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Liquor Control and Licensing Branch

Licensing Policy Manual

Last Update – December 2008

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Licensing Policy Manual – Update Summary

Date	Update Description	Updated Pages
Dec 2008	**Policy Directive 08-09** Expansion of pilot program permitting minors in liquor-primary or liquor-primary club establishments located in a curling club to include liquor-primary establishments located in golf course facilities, recreation centres and stadiums	**Section 7:** 7.7 10, 13, 14 **Section 10:** 10.1 2 10.1.1 3 10.1.3 4
Nov 2008	**Policy Directive 08-08** Use of Customized Licence Terms & Conditions	**Section 3:** 3.3.1 10 3.3.18 15 3.4.10 20 3.4.13 23-26
Oct 2008	**Changes to Charges and Product Purchases 12.3.4**	**Section 12:** 12.3.4 11
Sept 2008	**Policy Directive 08-06** Exotic Dancers and Adult-Oriented Performers	**Section 11:** 11.2 4 11.2.2 5 11.2.3 5 11.2.4 6 **Index:** Strippers 38
June 2008	**Policy Directive 08-05** Clubs and Documentation	**Section3:** 3.2 4 **Section 4:** 4.2.6 7 **Index:** Liquor Primary Club 21
April 2008	**General Section Changes**	**Section 3:** 3.4.13 22 **Section 8:** 8.1.7 3-4 **Section 9:** 9.1 1 9.1.2 2 **Policies**: 8.1.7 9 **Index:** Food Service 13
March 2008	**Policy Directive 08-04** Designated Smoking Rooms This Directive replaces Policy Directive 02-02 NOTE: The changes indicated in the Updated Pages column indicate areas where the wording related to Designated Smoking Rooms has been deleted only.	**Section 3:** 3.4.13 21-22 **Section 6:** 6.1 1 6.2.1 2 6.9 DELETED 15 **Policies**: 6.9 DELETED 7 6.9.1 7 6.9.2 7 6.9.3 7 **Index:** Designated

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		Smoking Room 7
February 2008	**Policy Directive 08-03** Dormant Liquor-Primary Establishments with a Licensee Retail Store licence and Liquor-Primary application approval periods	**Section 3:** 3.0 1 3.3.19 15 3.4.9 20 **Section 4:** 4.4.3 12 4.6.5 17-18 **Policies:** 3.4.9 2 3.4.10, 3.4.11, 3.4.12, 3.4.13 2-3 **Index:** Approval Period 2 **Section # changes** Bylaws 5 First Nation 12 Floor Plans 12 Inspection 17 Licence fee 19 Liquor Consumption 20 Liquor Distribution Branch 21 Local Government 23 Minimum Operating Requirements 26 Police 33 Social Services tax 39
	Policy Directive 08-02 Minors in Liquor-Primary Establishments Located in a Curling Rink	**Section 7:** 7.7 10 7.7 13-14 **Section 10:** 10.1 2 10.1.1 3 10.1.3 4 **Index** Curling Clubs 7
January 2008	**Policy Directive 08-01** Enhanced Fit and Proper Suitability Review Process	**Section 3:** 3.2.2 6 3.2.6 7 3.2.7 7

There may be a delay before we are able to incorporate all changes noted in the Policy Directive into all relevant branch publications. We regret any inconvenience. The date the change takes effect is the date noted on the Policy Directive.

See Policy Directives page on the Liquor Control and Licensing Branch website for list of recent Policy Directives – www.hsd.gov.bc.ca/lclb/publications/policy/

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SECTION 1: Introduction

Purpose and Format of this Manual

This manual replaces the previous version issued in May 2003, and the Liquor Licensing Operating Manual that was originally compiled and printed in 1997. The Liquor Licensing Policy Manual is intended as a reference guide and repository for all policies respecting the licensing of primarily four categories of establishments in British Columbia: liquor primary establishments (including liquor primary clubs), food primary establishments (including those with lounge endorsements), wineries with lounge, special event, picnic or tour area endorsements, and licensee retail stores. It is specifically written for the staff of the Liquor Control and Licensing Branch; however, external regulatory and enforcement agencies and the licensees of licensed establishments may also find this manual a useful source of information.

The manual is divided into broad chapters, such as General Information, Licensing Process, Business Ownership and Changes to a Licence, and so on, that mirror the chapters of the former Liquor Licensing Operating Manual. Each chapter is then divided into sections according to more discrete topics that fall within the chapter headings.

With the exception of this chapter and chapter 2, the information in each section is further divided into three recurring segments. The first, *Policy Rationale*, gives a general overview of the policies pertaining to the topic and explains why the policies are in effect. The second, *Policies*, clearly articulates precise, numbered policy statements and gives statutory references for each. Immediately following the policies under the heading *Authority References*, all the statutory references used in the earlier policies are summarized.

Although it is usually quite clear from the content of the policy statements themselves, readers can refer to the table of policies by applicable licence category in the appendix if unclear about which licence categories a particular policy is meant to apply. The table provides a cross-reference of the numbered policies with all applicable licence categories. For ease of reference back to the full text of the policies and associated rationale, the 1st number in the policy refers to the chapter in which the policy can be found, the 2nd refers to the section within the chapter, and the 3rd is the number sequence within that section in which the policy is listed.

The Effect of Policies

The *Liquor Control and Licensing Act* and Regulations give the general manager of the Liquor Control and Licensing Branch a great deal of discretionary decision-making power. This discretion allows the general manager to consider unique circumstances that may arise in individual cases. But the concept of administrative fairness limits the exercise of this discretion within certain boundaries. In all instances, the general manager must apply the principles of the Act and regulations and, in doing so, act consistently with the statutory mandate and objectives within them. Therefore, the policies in this manual are the mechanisms through which the branch intends to bring about consistent and principled practice, and a common understanding of purpose. Ultimately, these are the mechanisms through which administrative fairness is assured.

Within this broader context, policy statements in this manual should be understood as the way the branch interprets the legal requirements and obligations in the Act and regulations. Of course, in being only interpretations of the law, they do not have any legal effect in the absence of the statutory sources from which they are derived. Additionally, these policies should be understood as directions to staff that communicate expectations about the way branch business should be conducted. They *are not* directions to licensees who are also bound by the legal requirements and obligations in the Act and regulations, and by the terms and conditions of their licences. Nevertheless, the policies articulated in this manual may be

helpful to licensees and other interested parties who wish to know how branch policies may be applied in their circumstances.

Mandatory or Discretionary?

The language used in this manual contains clear signposts that guide staff through a complex mix of mandatory and discretionary policies, practices and decision steps. Words such as "must", "shall", "will", "required" or "requirement" indicate that an action or step is mandatory. This means that the general manager has no choice but to take the step or reach the decision specified in the legislation. On the other hand, words such as "may", "can", or "might" indicate that the general manager does have a choice or can exercise some discretion in making a decision. Use of the word "should" indicates an action or step that is neither mandatory nor discretionary; it recommends a preferred course of action.

Input

Every effort has been made to ensure this manual is complete; however, input from you is essential in tailoring it to your needs. Are there areas that need more detail? Are there areas where less depth is needed? Are there errors or omissions? Please provide feedback on these and any other areas of concern to:

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SECTION 2: General Information

2.0 Introduction

Although this chapter contains "general information" as the title suggests, the topics discussed here are of great importance. They form the framework within which liquor licensing functions are performed by staff in the Liquor Control and Licensing Branch. Unlike the chapters that follow, this one is written in narrative form and does not contain any discrete policy statements. This does not mean that the material has no policy ramifications. Indeed, because they provide a framework for branch functions and, more importantly, for the liquor licensing system as a whole, these topics are the context within which all branch policy is conceived.

The topics in this chapter are organized under the headings:

- Operating Environment, and
- Licence Categories

2.1 Operating Environment

Introduction

The application of the policies and practices detailed in this manual are best understood in light of the context or "operating environment" in which staff of the Liquor Control and Licensing Branch do their work. Many different factors contribute to the current operating environment, including the history of liquor regulation in British Columbia, the scope or statutory framework of the *Liquor Control and Licensing Act* and Regulations, and the relationship the branch has with a range of different stakeholder groups.

Below, the current operating environment is described under the following headings:

- Branch Organization and Function
- Client Groups
- Operating Assumptions, and
- Operating Principles

Branch Organization and Function

Until 1973, the Liquor Control Board (followed briefly by the Liquor Administration Branch from 1973 to 1976) was responsible for all aspects of liquor control and licensing, including distribution and sales. In response to concerns that the sales and distribution functions of the branch diminished, and sometimes conflicted with, the control and licensing functions, the Liquor Control and Licensing Branch and the Liquor Distribution Branch were established as two separate organizations in December of 1976.

The Liquor Control and Licensing Branch is currently divided into four arms: Licensing and Local Government Liaison; Management Services; Compliance and Enforcement; and Policy, Planning and Communications. Staff in the Licensing and Local Government Liaison; Policy, Planning and Communications; and Management Services Divisions are located in Victoria. The Compliance and Enforcement Division maintains a small staff in Victoria, and has fifteen field offices throughout the province reporting through three regional managers, one in Surrey, one in Vancouver and one in Victoria.

As in any organization with a complex mandate and a broad range of duties and responsibilities, some of the tasks performed by branch staff are not so easily isolated or categorized. Nevertheless, seven distinct functions can be identified as being the major focus of branch efforts. These include:

- Issuing, renewing and transferring licences for the manufacture and resale of liquor
- regulating and monitoring product advertising
- administering regulatory exemptions for medicinal, toilet, confectionery, culinary, cleaning or disinfecting products containing alcohol
- inspecting and educating licensees to ensure they comply with the law
- maintaining public relations with law enforcement, local government and other regulatory agencies
- taking appropriate enforcement actions for contravention of the *Liquor Control and Licensing Act* and Regulations, and
- liaising with stakeholders to develop more effective policies and legislation.

These things the branch does in pursuit of a vision that reflects on the broader interests of communities and all people in the province, building the conditions under which there are:

> *Safer and healthier communities where businesses and individuals manufacture, sell, serve and promote alcohol responsibly.*[1]

Client Groups

An important aspect of the branch's operating environment is the relationship the branch has with a wide range of client groups. Identifying the customer of a public program can be difficult, since the intended beneficiaries of the service are often not the ones with whom the program has most direct contact.

For the Liquor Control and Licensing Branch, the direct customers or clients – that is, those who utilize, most directly, the services offered by the branch – primarily include licence applicants, licensees, and liquor manufacturers and their agents. On the other hand, their indirect clients – or those who do not utilize the branch's services but are helped indirectly by its activities – include individuals, their communities, and the general public. The latter are, of course, the intended beneficiaries of liquor regulation by government.

Operating Assumptions

Another important aspect of the branch's operating environment is the set of beliefs or operating assumptions upon which its functions are based. Often, a program's operating assumptions are only implicitly understood, but they form the reference points by which program participants carry out their duties. The beliefs or assumptions underlying different actions are usually based on facts, experience, observation, or an application of the rules that govern the program.

These assumptions differ from the organization's operating philosophy or principles (discussed under the next heading) to the extent that they do not, in themselves, form the fundamental rationale by which decisions are made. Rather, they are part of the fact pattern and organizational wisdom that builds over time and contributes to the policies, procedures and practices of the organization.

A list of operating assumptions employed by the Liquor Control and Licensing Branch are outlined below. While not an exhaustive list, they include the more influential ones for liquor licensing operations.

1. While moderate alcohol consumption may have some modest health benefits, long term excessive drinking has adverse health effects.

2. Alcohol is a drug that, if taken in sufficient quantities, will affect short-term mental judgment and physical dexterity.

[1] The Branch Service Plan is a useful source of more information about the branch mission, mandate and strategic goals being employed in pursuit of this vision.

3. Although generally seen as a pleasant complement or accompaniment to social occasions, alcohol has addictive properties and can lead to socially unacceptable behaviour when abused.

4. Minors should be protected from the negative effects of alcohol consumption.

5. Neighbourhoods and communities are impacted by the sale and manufacture of liquor and their opinions are considered in licensing decisions falling within the statutory framework set down by government.

6. Control of the number and location of liquor primary licensed establishments prevents a proliferation of licensed establishments that may lead to the sale of liquor to minors and intoxicated persons, overcrowding, or other actions that may be harmful to the community.

7. It is in the best interests of the liquor and hospitality industries to encourage responsible drinking behaviours that contribute to the well being of their customers and the public.

8. Licence holders are responsible for designing their operations and conducting their business in such a way as to realize the outcomes and principles articulated in liquor licensing statutes and regulations.

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Operating Principles: Liquor Primary and Liquor Primary Club Licences

The last, but probably the most important elements of the branch's operating environment are the fundamental principles guiding the regulation of liquor in British Columbia. Under the *Liquor Control and Licensing Act* and Regulations, the general manager has a great deal of discretion. Although there are some specific requirements about how that discretion is to be exercised, little is codified in the statute. The general manager is required to use good judgment in the "public interest". The operating principles that guide the general manager's decisions – and, by implication, branch practices, are, therefore, an expression of how the public interest is interpreted for branch purposes. They are as follows:

Public Safety

It is in the public interest to safeguard individuals and communities from the harm caused by:

- the inappropriate or reckless sale and/or manufacture of alcohol which might arise in instances of destructive competition[2], and
- the abuse of alcohol and other irresponsible drinking behaviour.

Regard for Community Standards

It is in the public interest to have regard for:

- the impacts of alcohol sales and manufacture, and
- the extent to which these impacts are understood and supported by individuals and their communities.

The first of these principles, *public safety*, is aimed at two types of failure in the private market place associated with liquor sales: destructive competition and externalities. Destructive competition is described by economists as a situation that occurs when competition is so intense that participants in an

[2] Destructive competition occurs when competition is so severe that participants in the industry may be induced to act improperly or even illegally in order to gain a competitive advantage. Such competition can arise when the economic viability of establishments is threatened by oversupply.
Considerations of economic viability of existing establishments is a relevant factor in considering new liquor primary licence applications if based on the legitimate public interest of the social and economic benefits when the community as a whole derives from having a substance, such as alcohol, regulated and controlled. Economic viability of existing establishments is not relevant if considered for the benefit of those existing establishments. [Reference: Coxson Holdings Ltd. d b a. Toro's Neighbourhood Pub v Deputy Minister of Labour and Consumer Services and General Manage Liquor Control and Licensing Branch, BCSC No. S4640 Duncan Registry.]

industry may be induced to act improperly or even illegally in order to gain a competitive advantage. For example, without regulation, industry participants may operate at a loss for long periods. In the context of liquor regulation, these are the conditions that may lead to the sale of liquor to minors and intoxicated persons, overcrowding, or other actions that could be harmful to the community.

The other type of market failure the public safety principle is intended to address is what economists refer to as the problem of externalities or "spill-over effects". This problem is typically characterized by a situation in which the costs are borne by others who are not part of the exchange between supplier and purchaser.[3] Again, in the context of liquor regulation, it is often the individuals and communities beyond the place where liquor is bought and consumed who suffer the consequences when alcohol is abused. For example, abuse of alcohol can lead to increased domestic violence and automobile accidents in which the victims are generally third parties.

The second of the two operating principles, *regard for community standards*, addresses the need to somehow find a balance between competing interests and recognize that different communities have different requirements and standards. The rules that make up the liquor licensing system must, therefore, be tempered by a capacity to take the circumstances of the individual case into consideration. Factors considered when making liquor regulation decisions should include the impacts of alcohol manufacture and sales, risks and benefits to all clients and stakeholders, and the extent to which individuals and communities accept those risks and benefits.

Operating Principles: Licensee Retail Store, Food Primary and Manufacturer Licences

Amendments to the Act which came into force in 2002 added sections 11.1 and 11.2 which changed the role of local and First Nations governments in the general manager's decisions whether to issue a licence of a prescribed category. The licence categories prescribed in the regulation are liquor primary and liquor primary club licences.

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As discussed above, the interpretation of "public interest" in liquor primary and liquor primary club applications comprises two elements: public safety and regard for community standards. Public safety issues include concerns about service to minors, over-consumption, over-service and illicit liquor. Regard for community standards encompasses issues related to the impact of a liquor outlet on the local community including the effects of the business on traffic and congestion, effects on other nearby businesses and public institutions, and the preferences of local residents regarding the presence of liquor establishments in their neighbourhood.

Other types of liquor establishment which involve no on site consumption or on site consumption only as an ancillary activity involve different considerations which impact on the public interest. These other types of liquor outlets have a lower impact on a community. For these outlets, the legislature determined that local government or First Nation input would be limited to matters related to community standards and would be expressed through zoning bylaws. A local government or First Nation may restrict the locations of non-prescribed licensed establishments by adopting zoning bylaws which do not allow for that type of business in a particular location. They do not, however, have the authority to approve the location of a particular licensed establishment. This authority remains with the general manager. Since the zoning bylaws deal with the community standards aspect of the public interest, the general manager must only consider the public interest in relation to public safety concerns.

The general manager's consideration of the public interest as it relates to non-prescribed licensed establishments (LRSs, food primary establishments and manufacturers) encompasses only issues of

[3] These circumstances are sometimes referred to as "the tragedy of the commons" after the story often told to illustrate the problem. The story is about an English village common area used for sheep grazing by all the village shepherds. Since no single villager owned the property and no one took responsibility for it, the land was eventually over-grazed and destroyed ... thus the term "tragedy of the commons" describing a condition in which someone or something is harmed through the lack of personal cost or consequence to the direct users of a resource or commodity.

public safety which may include issues related to service to minors, over-consumption, over-service and illicit liquor. In assessing these concerns the general manager may consider:

- submissions from local government and First Nations, local residents or businesses related solely to public safety,
- evidence of community controversy about the licence application related solely to public safety;
- the applicant's compliance history; any changes in circumstances as a licensing application progresses which affect public safety issues;
- any other information the general manager considers relevant to public safety.

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The general manager's consideration of the public interest as it relates to non-prescribed licensed establishments does not encompass matters related to community standards, such as:

- information about other businesses or social or recreational facilities or public buildings close to the proposed location;
- information about the economic impact on competitors and business neighbours;
- parking, loading facilities at a premise, impact on property rights, etc. (which are all dealt with by the local government or First Nation by zoning bylaws).
- local government or First Nation comments respecting community standards in relation to particular licence applications.

2.2 Licence Categories

Background

There are currently five categories of liquor licence issued by the Liquor Control and Licensing Branch. Some of the descriptive information that defines the current five-category licensing system is precisely laid out in the *Liquor Control and Licensing Act* and its accompanying regulations. Some has been developed as interpretations of the licensing provisions in the Act and regulations.

The history of liquor regulation in British Columbia shows that the different categories of liquor licence have evolved largely in response to changing public attitudes toward liquor and to changing socio-economic circumstances in British Columbia. Initially, only hotels and private clubs were licensed to sell liquor. Over time, however, communities have come to view liquor service as acceptable in a much broader range of settings.

For eighty years, the liquor licensing system was structured largely around the primary operating purpose of licensed establishments — beginning, as it did, with the licensing of hotels and private clubs in 1921. With this focus, licence classes had to be carefully categorized and defined in terms of the character of the establishments as much as the character of liquor service or sales. In 2002, the focus of liquor licensing shifted principally to the nature of liquor service and sales; determined, for the most part, by whether liquor consumption is on or off the premises, and whether or not it accompanies food.

Primary operating purpose is still a consideration, to the extent that a licence to sell liquor will only be granted if the establishment is in the business of "food or beverage service, entertainment or hospitality" as required under section 16(1.1) of the *Liquor Control and Licensing Act*. It is also a consideration in granting a licence to provide services to people making their own liquor in UBrews and UVins, and in granting a licence to manufacture liquor in wineries, distilleries, and breweries. The categories of licence are, however, defined more by the nature of the industry — that is, the larger focus of the activity — rather than the discrete characteristics of the establishments being licensed.

A general description of each of the five licence categories follows. More information about the particular requirements or conditions that apply to the liquor primary, food primary, and licensee retail store licence classes, as well as winery endorsement areas can be found under specific topic headings in later chapters of this manual. Details about the UBrew/UVin, manufacturers, and some special licence

topics[4] are provided in other manuals or information materials maintained by the Liquor Control and Licensing Branch.

Liquor Primary Licence

The liquor primary licence is the broadest category of licence administered by the branch since establishments operating under this licence may be anything from a stand alone bar, hotel or resort to a military mess or cultural centre[5]. The nature of the liquor service in liquor primary establishments is set out in sections 8 and 9 of the regulations. A liquor primary establishment must be primarily in the business of "beverage service, entertainment or hospitality". They must offer food and non-alcoholic beverages in addition to their liquor service, but food service in the range generally offered by a restaurant is not expected. Under section 8(2) of the regulations, restaurants and take-away food outlets are specifically ineligible for a liquor primary licence. Youth-oriented businesses, movie theatres, motor vehicles, and video games arcades are also not eligible for liquor primary licences.

The terms and conditions of the liquor primary licence, and any endorsements that may be applied to the licence, emphasize public safety and good relationships with the community in which the establishment is located. For this reason, local government or First Nations input is an important aspect of the liquor primary licensing process. Their input is sought during the application process particularly on issues relating to the establishment's location, size, impact on the neighbourhood and surrounding community, information about demographics, and the views of nearby residents. It is also required if the licensee later applies to relocate the establishment, amend the licence to extend the hours of liquor service, increase the person capacity, or add a patio.

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A liquor-primary licence that is associated with an LRS must be of a sufficient capacity to warrant a standalone liquor-primary operation, to be open to the public for a reasonable number of hours and days per week, and to maintain a viable business in general.

Liquor Primary Club Licence

There is one sub-category of the liquor primary licence — the "liquor primary club licence"[6]. Section 1 of the Act defines a club as an organization incorporated under the laws of British Columbia that has been in continuous operation for at least one year immediately prior to application for a liquor licence. A club must have at least 50 members who pay annual membership fees of at least $10.00. The main focus of a club must be social, athletic, recreational, fraternal, benevolent or patriotic in nature, but this does not preclude profit-making. A club has its own facilities and does not sublet food or liquor service. Under section 52 of the Regulations, liquor may only be served to club members and invited guests. Guests must be registered along with the accompanying club member.

Veterans' clubs are eligible for liquor primary club licences. These currently include the following organizations:

- the Royal Canadian Legion
- Army, Navy and Air Force Veterans in Canada
- War Amputations of Canada
- The Royal Canadian Air Force Association

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[4] Although seemingly a separate licence category, a Special Occasion Licence is actually a special application of the liquor primary and food primary licence classes discussed below. Information about Special Occasion Licences can be found in the Special Occasion Licence Policy Manual.

[5] Under section 1 of the *Liquor Control and Licensing Act*, an *establishment* is defined as a "place or premises that may comply with the requirements of this Act and the regulations ...". The Liquor Control and Licensing Branch has interpreted this section to mean that an establishment must be a physical structure, not just an open space or unbounded piece of property on which a person proposes to serve liquor.

[6] Some "special conditions" apply to specific types of liquor primary establishments, including motor vessels, stadiums, concert halls, golf courses, and clubs. Clubs are, however, distinct in being separately defined and categorized in the Act and regulations as a separate sub-category of the liquor primary licence. Since most polices that apply to liquor primary establishments also apply to liquor primary club establishments, the term "liquor primary" also refers to "liquor primary club" throughout this manual unless otherwise specified.

- a chartered branch of any of the organizations listed above
- British Ex-Servicemen's Association of Vancouver, and
- The Royal Canadian Naval Association.

Under section 29 of the Act, a chartered branch of a veterans' club is not entitled to apply for, obtain or hold a liquor licence while it is not in good standing with the central organization.

Food Primary Licence

Section 11 of the Liquor Control and Licensing Regulations requires that the emphasis of a food primary licensed establishment be the service of food[7]. Liquor may not be served unless the establishment is open for the service of a variety of menu items, including both appetizers and entrees or some equivalent. Restaurants can remain open 24 hours a day but, subject to the hours endorsed on the licence, liquor service may only be available between the hours of 9:00 and 4:00 a.m. Under section 53(3) of the Regulations, the input of local government or First Nations is required if the establishment intends to provide liquor service after 12:00 midnight. Their input is also required when patron participation entertainment is proposed.

As of December 2002, restaurants — with a capacity of 50 persons or more — may apply to have a lounge area in which patrons can obtain liquor service. The customer may or may not order food after being served liquor in a restaurant lounge, but food service must nevertheless be available to customers in the lounge. There are set limits on the seating capacity in these areas. They may be up to 20% of the person capacity of the interior areas of the restaurant to which the principal food primary licence applies, or up to 40 persons, whichever is the lesser. In some instances, a restaurant may have more than one lounge area, one inside and one outside on a patio. If both lounge areas are in use at one time, however, the total number of persons occupying these areas must not exceed the capacity limits fixed in the regulations.

In order to qualify for and maintain a food primary licence, a restaurant must have the features that distinguish it as an establishment primarily in the business of food service. General characteristics that distinguish a food primary establishment include:

- kitchen equipment suitable for preparation of menu items
- tables, chairs, counters and/or stools, and lighting adequate for dining
- adequate supply of flatware, china and other table accessories
- menu containing a varied selection of food items, including both appetizers and entrees or a similar range of offerings
- games or entertainment accompany or complement dining
- advertisements refer to the establishment as a place for dining
- hours of operation are in keeping with the dining habits of the clientele expected, and
- financial records, staff complement, and the receipts showing ratio of food sales to liquor sales are typical of an establishment in which the major focus is food service.

The capacity to manage and control the licensed area is an important consideration in granting a liquor licence. Largely because of the complications in meeting this and other licensing requirements, some eating establishments have been identified as generally not eligible for food primary licences, including:

- mall "food fairs", as the dining space is not defined or controlled by any single food outlet
- restaurants primarily oriented to take-out service
- stand-alone banquet rooms without fully equipped kitchens, such as a banquet room that is not an extension of a licensed restaurant, and
- mobile food providers, such as hot dog vendors.

[7] The definition of an *establishment* as a physical structure is also important in the licensing of food primary licensed establishments (see footnote on previous page).

Licensee Retail Store Licence

A licensee retail store (LRS) licence is issued to the owners of stores selling liquor for consumption off the premises. These stores were previously known as cold beer and wine stores and are now referred to as private liquor stores since they were granted permission to sell spirits on April 2, 2002. They are affiliated with hotels, pubs, resorts and night clubs that currently hold a liquor primary licence.

The acquisition of new LRS licences has been quite restricted over the years. After a lengthy period in which there was a moratorium against the acquisition of new LRS licences — between 1988 and 2002 for neighbourhood and marine pubs, and between 1992 and 2002 for hotels — new applications were briefly accepted for a period between August 12 and November 29, 2002. A moratorium is once again in place, and applications are no longer being accepted for new LRS licences.

For current LRS licensees, there are some specific requirements relating to the character of their operations. A LRS is no longer required to be at the same location as its associated liquor primary but the regulations continue to require that both establishments be owned[8] by the same person. LRS licensees may apply to relocate their store to another location in the same local government jurisdiction, or to a location outside the local government jurisdiction that is within five kilometres of the liquor primary establishment. Generally, an application to relocate an LRS will not be approved by the general manager if the proposed site is within 0.5km of an existing LRS or the site of an LRS application in progress. However, the general manager may approve the relocation within 0.5km of another LRS in some situations including where it would not be contrary to the public interest, (e.g. a store loses their leased location due to circumstances beyond their control and the only reasonable location is within 0.5km of another store), or where there is a large barrier between the stores.

There may be more than one controlled entrance to the store, but an entrance may not be from an adjoining licensed establishment. Inside the store, there may be more than one room or level. Packaged snacks, lottery tickets, tobacco products, and liquor related items may be sold and minors, in the company of a parent or guardian, may be present. Finally, the types of liquor sold are no longer limited to beer, wine, cider or coolers; all LDB listed products may be sold subject to any restrictions set out in the terms and conditions of the licence as amended from time to time.

Revised March 2007

UBrew/UVin Licence

The UBrew/UVin licence is issued to establishments providing supplies, facilities, and/or services to people making their own wine, beer, or cider. The *Liquor Control and Licensing Act* and regulations set out a range of terms and conditions pertaining to this licence, including: the respective roles of UBrew and UVin licensees and their customers; how the customer's ingredients and product are to be stored on the premises; and special record keeping and reporting requirements.

These terms and conditions are designed to ensure that UBrew and UVin licensees, their staff, and their customers do not become manufacturers or vendors of liquor. Rather, licensees only supply ingredients and/or assist customers through the fermentation or brewing process, so long as the end product is for the customer's own private use.

Manufacturer Licence

Wineries, breweries, and distilleries that produce or manufacture liquor for sale and, typically, for consumption off the premises, are required to have a manufacturer licence. Distillers and brewers are actually licensed to *manufacture* liquor by the government of Canada. In order to *sell* the liquor they manufacture, however, the *Liquor Control and Licensing Act* stipulates that they must also acquire a licence from the province. Wineries have similar obligations, but they must acquire the provincial manufacturer licence for both the manufacture and sale of their product.

Revised July 2006

[8] See further information about the operational requirements of the associated liquor-primary establishment in policy 4.5.6 "Status of a licensee retail store licence dependent upon status of associated liquor primary establishment" in 4.5 Valid Interest in an Establishment

The manufacturer licence authorizes the manufacture of liquor and the sale of the product from one on-site retail store located at the prime manufacturing site as well as to the Liquor Distribution Branch. A licensed manufacturer may also operate a tasting room at the manufacturing site where product samples may be offered to the public.

In addition to operating a retail store and tasting room, manufacturers of wine can apply for endorsements to operate a lounge and/or separate areas designated for special events, picnics and winery tours. Under section 18.1(4) of the Regulations, liquor may be purchased by the bottle or the glass from a winery lounge, special event area or onsite retail store and consumed in any endorsement area.

SECTION 3: Licensing Process

3.0 Introduction

During the licensing process, information is gathered about both applicants and their proposed licensed establishments to determine whether they meet liquor licensing criteria. The process also allows applicants to understand and make certain commitments about the terms and conditions by which they may be licensed. For new liquor primary applications — and for certain types of endorsements or amendments to existing liquor and food primary licences — the licensing process also contains a public input phase.

There are four distinct stages in the licensing process for liquor primary applications, and three for food primary applications. Additionally, processes have been established for licence amendments, re-applying to licence an establishment on a site that was previously refused, and annual renewals. This chapter contains a section on the policies for each of the stages of licensing and for the amendment, re-application, and renewal processes, organized under the following headings:

- Stage 1: Application for a New Licence
- Stage 2: Applicant Eligibility Assessment
- Stage 3: Site and Community Assessment (Liquor Primary, Winery Lounge, and Special Event Areas)
- Stage 4: Building Assessment and Issue of a Licence
- Licensing Approval Process Flowcharts (Liquor Primary and Food Primary)
- Licence Amendments
- Re-Application, and
- Licence Renewals.

Revised February 2008

LCLB policy sets limits on the time that applicants may take to move liquor licence applications through the licensing process. This ensures that applications make reasonable progress through the steps of the licensing process so that establishments become licensed in a timely manner. Setting time limits also has the effect of reducing uncertainty in the marketplace when many licence applicants are vying for establishment locations and seeking local government zoning or other approvals.

3.1 Stage 1: Application for a New Licence

Policy Rationale

Preparing a complete application for a new licence is the first step in the licensing process.[1] The documentation provided at this early stage is the foundation upon which the entire licensing process is based.

Section 15(1) of the *Liquor Control and Licensing Act* states that "an application for a new licence or a renewal, transfer or amendment of a licence must be in the form approved by the general manager and be accompanied by the prescribed fee." Application fees are prescribed in schedule 1 of the regulations. The main requirements for liquor primary and food primary licences are, however, set out in sections 8 and 11 of the regulations respectively. Under section 8(1), a liquor primary licence may be issued (or renewed or transferred) if the "... primary purpose of the business carried on in the establishment is beverage service, entertainment or hospitality". Subsection (2) goes on to list those businesses which *are not* considered to fall into this definition for liquor licensing purposes, including: a facility not primarily engaged in beverage service, entertainment or hospitality; a facility frequented predominantly by or directed at minors and other young persons; a theatre as defined in the *Motion Picture Act*; a restaurant; a take-away service; a motor vehicle; and a video games arcade. Under section 11(1), a food primary

[1] A brief overview of the steps in the licensing process can be found in the introduction to this chapter

licence may be issued, renewed or transferred if the "... primary purpose of the business carried on in the establishment is food service during all hours of its operation".

For the most part, then, the information the applicant must submit at the time of application is for the purposes of assessing whether these basic criteria for licensing are met.[2] Other information is acquired in order to meet the administrative needs of processing the licence application, in particular, the requirements for a complete application.

Policies

Assessment of primary operating purpose in a liquor primary licence application

Upon receipt of an application for a liquor primary licence, licensing staff will determine whether the business carried on in the proposed licensed establishment is beverage service, entertainment or hospitality. An application from the following establishments will be returned to the applicant as not eligible for a liquor primary licence:

- a facility not primarily engaged in beverage service, entertainment or hospitality
- a facility frequented predominantly by or directed at minors and other young persons
- a theatre as defined in the *Motion Picture Act*,
- a restaurant,
- a take-away service,
- a motor vehicle, and
- a video games arcade.

[Liquor Control and Licensing Regulations, section 8]

3.1.2. Assessment of primary operating purpose in a food primary licence application

Upon receipt of an application for a food primary licence, licensing staff will determine whether the business carried on in the proposed licensed establishment is primarily food service during all hours of its operation. Since effective management and control of the proposed licensed area cannot be assured, applications from the following establishments are not eligible for a food primary licence:

- mall "food fairs", or establishments where the dining space is not defined or controlled by any single food outlet
- restaurants primarily oriented to take-out service
- stand-alone banquet rooms without fully equipped kitchens, including banquet rooms that are not an extension of a licensed food primary establishment, and
- mobile food providers, including hot dog and other street vendors offering food service.

[Liquor Control and Licensing Regulations, section 11, Liquor Control and Licensing Branch Policy]

3.1.3. Complete application

An application will be recognized as complete only when all required documentation is received.

[*Liquor Control and Licensing Act*, section 15(1), Liquor Control and Licensing Branch Policy]

3.1.4. Incomplete application

If an application is found to be incomplete, contains documents that are incomplete or unacceptable, or both, the applicant will be notified of the documents required to complete the application. Applications will not be processed until all documentation has been:

[2] See next section, Stage 2: Applicant Eligibility Assessment, for a discussion of these requirements.

- received in LCLB Headquarters, and
- found to be satisfactorily completed.

[*Liquor Control and Licensing Act,* section 15(1), Liquor Control and Licensing Branch Policy]

3.1.5. Criminal record search requirements

For the purposes of policy 3.1.3, a Personal History Summary and Consent for Criminal Record Search form and the RCMP's Consent for Disclosure of Criminal Record Information form are required documents. An application may not be considered complete until these forms have been completed and received from all applicants. Where criminal or drug/alcohol-related charges, convictions or discharges are indicated, or where the branch receives information regarding the same, a verifiable record from the appropriate police authority is required, unless the general manager indicates that a statutory declaration is sufficient. A decision maker will generally not consider an application until all required Records of Criminal Convictions have been received and reviewed.

[*Liquor Control and Licensing Act,* section 16(1)(a), Liquor Control and Licensing Branch Policy]

3.1.6. 90-Day Retention Period for Incomplete Applications

An incomplete application package will be held for a maximum of ninety (90) days to await receipt of any outstanding application documentation. If still incomplete after the 90-day period, the application may be terminated. This time period may be extended at the discretion of the licensing staff. The application fee is non-refundable.

[Liquor Control and Licensing Branch Policy]

3.1.7. False information in an application

If an applicant appears to have

- failed to disclose a material fact
- provided a false statement, or
- provided a misleading statement

in an application, the general manager will consider the facts and decide if the application should be terminated.

[*Liquor Control and Licensing Act,* section 15(2), Liquor Control and Licensing Branch Policy]

3.1.8. Written acknowledgment of complete application

Complete applications will be acknowledged in writing, only after being satisfied that all documents have been properly completed and are acceptable. Although an acknowledgment letter may be issued on a later date, it will include the date and time that the application was accepted as complete.

[*Liquor Control and Licensing Act,* section 15(1), Liquor Control and Licensing Branch Policy]

3.1.9. Written acknowledgment of name and sign approval

Name and sign approval will be acknowledged in writing, only after being satisfied that the proposed establishment name and sign sketch are acceptable[3]. The acknowledgement will form part of the written acknowledgement of a complete application.

[*Liquor Control and Licensing Act,* sections 45(2), 49 (3), and 51.1; Liquor Control and Licensing Branch Policy]

[3] See chapter on Advertising and Signage for policies governing names and signs

Authority References

Liquor Control and Licensing Act, section 15(1), 15(2), 16(1)(a), 45(2), 49(3), and 51.1; Liquor Control and Licensing Regulations, sections 8 and 11; Liquor Control and Licensing Branch Policy.

3.2 Stage 2: Applicant Eligibility Assessment

Policy Rationale

Once all the necessary documentation has been received and the application is considered to be "complete"[4], applications are screened to ensure the applicant meets the basic eligibility requirements. The first of these is an assessment of applicant[5] suitability — that is, a determination of whether the applicant is a "fit and proper person" as specified in section 16(1) of the *Liquor Control and Licensing Act.* In practice, this entails a criminal records check and consideration of any records showing that the applicant has previously not complied with the requirements of the *Liquor Control and Licensing Act* or the regulations. In assessing applicant suitability, then, the general manager is looking for anything that might indicate the person may fail to comply with the terms and conditions of a liquor licence.

Under certain circumstances, such as if the licensee does not reside in British Columbia or will not be present to manage the establishment on a day to day basis, the licensee may engage another party to operate or manage the establishment. The licensee may choose to engage a resident manager or third party operator to run the business. Although neither of these management arrangements removes legal liability from the licensee, a third party operator or resident manager is subject to the same "fit and proper" criteria as mentioned above.

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If the licensee is a non-profit fraternal society applying for a liquor primary club licence, a resident manager may be engaged to run the business. In this case, club branches are required to submit the names of top four officers, and the president and resident manager are required to submit to criminal record checks. This management arrangement does not remove legal liability from the licensee, and a resident manager is subject to the "fit and proper" criteria mentioned above.

Next, there is a determination of whether the applicant meets the residency and age requirements specified in section 16(5) of the Act. If the applicant is a sole proprietor, he or she must be an adult and must be a resident of British Columbia. Alternatively, if in a partnership or corporation, each member of the partnership or the manager running the business must meet these age and residency requirements.

Another consideration is whether the applicant meets the requirements of business ownership and valid property interest. Section 16(1)(b) requires that the applicant be the owner of the business carried on at the establishment to which the licence application applies. In addition to business ownership, section 16(1)(c) of the Act and section 4(1) of the regulations requires that the applicant be the owner or lessee of the establishment itself. An offer or assignment of lease will be accepted as proof of valid interest in the establishment (i.e. property and buildings) but the branch will not issue or transfer a licence until the applicant has a fully executed lease or title document that covers a 12-month period from final date of issue or transfer.

Finally, the applicant eligibility assessment involves a determination of whether the applicant has any connection or agreement (referred to as a "tied house") with a liquor manufacturer or their agent or the owner of a UBrew/UVin as specified in section 18 of the Act. The applicant must not have any agreement or arrangement to sell the liquor made by a particular liquor manufacturer to the exclusion of that made by other manufacturers. Even in the absence of such an agreement or arrangement, a licence

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[4] See previous section in this chapter, 3.1 Application for a New Licence, regarding complete applications.

[5] The applicant includes: sole proprietors, all partners in a partnership (including silent partners), all executive officers and directors of a public corporation or society, anyone with a 10% or greater interest in a private corporation or a private holding company, the resident manager or third party operating a business, the branch president and resident agent/manager under a liquor primary club licence, the manager for a government-owned establishment, all trustees, including those acting on behalf of a minor, if the minor holds a 10% or greater interest in the business to be licensed, and executors or administrators appointed when a licensee dies.

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may not be issued, renewed or transferred to a person who is associated with, connected with, or financially interested in a particular liquor manufacturer, such that it is likely to promote the sale of liquor for that manufacturer. Neither can there be any association with or financial interest in the licensee of a UBrew or UVin.

Policies

3.2.1. Criteria for applicant eligibility

In determining whether a licence should be issued, renewed or transferred, consideration shall be given to whether the criteria for applicant eligibility have been met. The applicant eligibility criteria include the following factors:

- applicant suitability
- residency and age requirements,
- business ownership and valid property interest, and
- absence of unlawful connection or agreement with a liquor manufacturer or a UBrew/UVin licensee.

[*Liquor Control and Licensing Act,* sections 16(1) through (5), and 18]

3.2.2. Consideration of applicant suitability

In assessing whether an applicant is a fit and proper person who is suitable and eligible for a liquor licence, licensing staff must give consideration to several factors. Licensing staff are required under the statute to give consideration to charges and convictions in the preceding three (3) years under the laws of Canada or any province or the bylaws of a municipality or regional district in British Columbia. Considerations for applicant suitability include the test for fit and proper. A fit and proper person suitable to hold a liquor licence must:

- be of good reputation and character, and not have a history of behavior that would render the person unsuitable to hold a licence;
- not be involved in criminal activities or be associated[6] with anyone involved in criminal activities;
- not be a member or associated with a member of an organized crime group;
- have financial integrity. The General Manager must be satisfied that the funding involved or in support of the licence is not from a criminal source or associated with any criminal source.

Licensing staff, in partnership with compliance and enforcement staff, consider the following factors when deciding whether or not to deem an applicant fit and proper to hold a liquor licence:

- Criminal Code charges and convictions,
- Controlled Drugs and Substances Act charges and convictions related to trafficking,
- road side suspensions and other driving infractions indicating that an abuse of alcohol was a factor
- charges and convictions in which the abuse of alcohol or other addictive substance has been a factor,

[6] **"associate"** in relation to a licensee, responsible person, approval holder or applicant for a licence or an approval, means
(a) any person that has a financial interest in the licensee, applicant, approval holder or responsible person
(b) any person that has a financial interest in the licensee's, applicant's or approval holder's business
(c) any person that has a financial interest in the premises to which the licence or application relates
(d) if the licensee, applicant, approval holder or responsible person has a financial interest in another business or premises, any other person with a financial interest in that business or premises
(e) if the licensee, applicant, approval holder or responsible person is an individual, who is
(i) the spouse of the individual
(ii) any relative of the individual or the spouse referred to in subparagraph (i)
(iii) any corporation if the individual has a financial interest in the corporation, or is a director or officer of the corporation
(iv) any other officers, directors or persons with a financial interest in the corporation referred to in subparagraph (iii)
(v) any other corporation that has a financial interest in the corporation referred to in subparagraph (iii), the other corporation's officers and directors and any person that has a financial interest in the other corporation
(f) if the licensee, applicant, approval holder or responsible person is a corporation, any other corporation that has a financial interest in the corporation, the other corporation's officers and directors and any person that has a financial interest in the other corporation

- charges and convictions which may give rise to concerns that the person might not observe the terms and conditions of a liquor licence, or might not operate the establishment in a manner consistent with the responsibilities described in the branch's Responsible Beverage Service Program,
- a poor enforcement record with another licensed establishment,
- flagrant disregard for or persistent infractions of local bylaws that might suggest that the individual is unlikely to be sensitive to local concerns or to ensure their establishment meets local government requirements,
- the source of the applicant's funding for the proposed business venture,
- such other factors as may be relevant in the public interest.

On some occasions, it may be recommended that a more comprehensive background check be conducted on an applicant by a Compliance and Enforcement investigator to ensure the applicant is fit and proper to hold a liquor licence. This may happen if

- the compliance history of the applicant when holding another liquor licence is such that it leads LCLB to believe that the applicant may not operate the establishment in a manner consistent with the public interest,
- the applicant's answers on the "Personal History Summary and Consent for a Criminal Record Search" form indicate that the individual might have a history of behaviour that would render them unsuitable to hold a licence (for example: repeated alcohol related motor vehicle infractions, criminal charges related to trafficking, violent crimes, sexual assault, fraud, association with an organized crime group),
- the proposed location of the new establishment has been problematic for previous licensees,
- the general manager has questions regarding the applicant's financial integrity of lack of experience in the industry, and
- the general manager considers it to be in the public interest.

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[*Liquor Control and Licensing Act*, sections 16(1)(a) and (d), 16(2), 16(3) and 16(4)(b)]

3.2.3. Consideration of residency and age requirements

In assessing whether an applicant is eligible for a liquor licence, licensing staff will give consideration to whether the applicant is:

- a person who normally resides in British Columbia and is not a minor,
- a partnership, of which each member is a resident, normally resides in British Columbia and is not a minor, or
- a corporation whose agent or manager selected by the corporation to carry on its business in the licensed establishment is a resident, normally resides in British Columbia and is not a minor.

[*Liquor Control and Licensing Act*, section 16(5)]

3.2.4. Consideration of business ownership and valid property interest

In assessing whether an applicant is eligible for a liquor licence, licensing staff will give consideration to whether the applicant:

- is the owner of the business carried on at the establishment to which the licence relates, and
- is the owner of the establishment (i.e. property and building(s)) to which the licence relates, or
- is the lessee of the establishment (i.e. property and building(s)) under a lease that does not expire for at least twelve (12) months from the date the licence is issued, or
- in respect of the initial application for a new licence or transfer of an existing licence, holds an assignment or offer of lease pertaining to the property and buildings (the assignment or offer of lease is acceptable documentation at the initial application stage; however, a licence will not be issued or

transferred until the applicant has a fully executed lease or title document that covers a 12 month period from the final date of issue or transfer), or

- in respect of a purchase in progress, possesses an offer or option to purchase the establishment (i.e. property and building(s) in the applicant's name), (the offer or option to purchase is acceptable documentation at the initial application stage; however, a licence will not be issued or transferred until the applicant has a fully executed title document), or
- in respect of the renewal of a licence, has provided evidence that the licensee is the lessee of the establishment (i.e. property and building(s)) under a lease of a duration that is satisfactory to the general manager, or
- in respect of the issue of licence for a motor vessel, has docking privileges for a period not less than twelve (12) months, or
- in respect of the renewal of a licence for a motor vessel, has provided evidence of docking privileges of a duration that is satisfactory to the general manager.

[*Liquor Control and Licensing Act*, sections 16(1)(b) and (c), and 16(3); Liquor Control and Licensing Act Regulations, sections 4(1) and 4(2); Liquor Control and Licensing Branch Policy]

3.2.5. Consideration of tied house circumstances

In assessing whether an applicant is eligible for a liquor licence, licensing staff will give consideration to whether the applicant has any connection or agreement with a liquor manufacturer or a UBrew/UVin licensee. This includes circumstances in which:

- a person has agreed or arranged with another to sell the liquor of a manufacturer to the exclusion of the liquor of another manufacturer,
- a liquor manufacturer or the manufacturer's agent, or a person who is so associated with, connected with or financially interested in them, is likely to promote the sale of liquor for that manufacturer or agent,
- a person applying for or holding a UBrew or UVin licence is associated with, connected with or financially interested in a person holding a liquor primary, food primary, or manufacturers licence, or
- a person applying for or holding a liquor primary, food primary, or manufacturers licence is associated with, connected with or financially interested in a person holding a UBrew or UVin licence.

[*Liquor Control and Licensing Act*, section 18]

3.2.6. Hearing of the Liquor Licensing Committee

A Liquor Licensing Committee hearing may be scheduled to determine whether an application passes the applicant eligibility assessment. Where appropriate, applicants may be invited to provide written submissions or attend the hearing to discuss their eligibility with the panel members.

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A Liquor Licensing Committee may examine eligibility issues with respect to residency and age requirements, business ownership and valid property interest, and tied house circumstances. The Liquor Licensing Committee may also determine whether or not an applicant is fit and proper to hold a liquor licence.

[*Liquor Control and Licensing Act*, section 16(3), Liquor Control and Licensing Regulations, sections 2 and 3, and Liquor Control and Licensing Branch Policy]

Revised January 2008

3.2.7. Hearing of the Liquor Licensing Committee - Fit and Proper Issues

A Liquor Licensing Committee hearing to determine applicant suitability with regard to fit and proper may be scheduled if there are questions as to whether an applicant is fit and proper to hold a liquor licence. Generally, applicants are invited to provide written submissions or in exceptional cases, as

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determined by the general manager, to attend the hearing to discuss their suitability with the panel members.

A fit and proper hearing may be held if:

- it is determined that a new applicant is not at arm's length from a previous licensee of a problematic establishment,
- there is a confirmed, or strongly suspected affiliation with an organized crime group or association with criminal activity (including close relatives who are associated with an organized crime group or criminal activity),
- there are questions with regard to the financial integrity of the applicant and/or the General Manager is concerned the funding for the establishment might be from the proceeds of crime,
- a failure to disclose a relevant fact on the application form is seen as wilful misrepresentation,
- the applicant has a criminal or behavioural history that would render him/her unsuitable to hold a licence (for example: repeated recent alcohol related motor vehicle infractions, criminal charges related to trafficking, violent crimes, sexual assault, fraud or association with an organized crime group).

[*Liquor Control and Licensing Act*, section 16(3), Liquor Control and Licensing Regulations, sections 2 and 3, and Liquor Control and Licensing Branch Policy]

3.2.8. Written notification of decision

Written notification of the decision at the conclusion of the applicant eligibility assessment will be provided to the applicant indicating:

- whether the application has passed the applicant eligibility assessment or been rejected, and
- if rejected, the reasons the application failed.

[Liquor Control and Licensing Branch Policy]

Authority References

[*Liquor Control and Licensing Act*, sections 16(1) to (5), and 18, Liquor Control and Licensing Regulations, section 4(1) and (2).

3.2.9. Managing the establishment for the licensee: Resident manager

A licensee who does not reside in British Columbia or who will not be present to manage the establishment on a day to day basis must hire an individual to manage the establishment in his or her absence. This individual is considered the resident manager (if the licensee is out of province a resident manager must be hired).

The branch may consider an individual a resident manager if the person is employed to carry on the business of the licensee by being primarily responsible for the day to day operation of the establishment. A resident manager may be employed in an executive capacity by the licensee and have responsibilities that generally consist of supervising and/or directing human or other resources.

To be officially approved as a resident manager, an individual:

- must be an employee of the licensee and be primarily responsible for the day to day operation of the establishment
- must not be in a contractual third party operator agreement with the licensee
- must be a resident of British Columbia
- must be 19 years of age or over
- must be an individual not a corporate entity or partnership

- cannot assume liability for the overall operation and activities of the establishment on behalf of the licensee, and
- is subject to the fit and proper assessment

3.2.10. Operating the establishment for the licensee: Third party operator

A licensee who is not present to manage the establishment on a day to day basis may engage the services of an individual or corporate entity to operate the establishment. This party is considered a third party operator.

The third party operator participates in a contractual agreement with the licensee and benefits financially from the arrangement. The third party operator agreement must be in place when a licensee wishes to engage a third party- a proprietorship, corporate entity or partnership- to manage the operation of the licensee's establishment. A third party operator:

- must not be an employee of the licensee
- must be approved by the Liquor Control and Licensing Branch
- cannot assume accountability for the overall operation of the establishment on behalf of the licensee as the licensee remains responsible for all activities within the licensed establishment
- must not be engaged in the management of a liquor-primary club licence
- must not enter into an agreement or allow another person to use the licence
- must be 19 years of age or over, and
- will be subject to the fit and proper assessment as individuals

[*Liquor Control and Licensing Act*, section 17(1) and 17(2)]

3.3 Stage 3: Site and Community Assessment

Policy Rationale

For liquor primary licence applications, winery lounge and special event area endorsements, the next stage in the licensing process is a site and community assessment.[7] The regulations provide for substantial involvement in the liquor licensing process by local governments and First Nations. Under section 11.1(1) of the *Liquor Control and Licensing Act*, a liquor licence may not be issued unless, "in the prescribed circumstances, the general manager has given the local government or first nation for the area in which the establishment is proposed to be located notice of the licence application".

The "prescribed circumstances" are set out in section 10 of the regulations. Section 10(1) limits the categories of licences to which this notice requirement applies to liquor primary and liquor primary club licences only[8]. Once notice is given, the local government or First Nation must then consider a range of different factors — as specified in sections 10(3) and 10(4) — in providing comments or recommendations to the general manager with respect to the licence application. Essentially, these factors relate to the characteristics of the local community, the likely impact on the community by the proposed licensed establishment, and any additional factors the local government/First Nation may consider relevant and may wish to draw to the attention of the general manager in their comments or recommendations regarding the proposed establishment. This process is, then, part of a larger determination of whether granting the application would be "contrary to the public interest" under section 16(3) of the Act.

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[7] For food primary applications, the community "litmus test" is primarily undertaken locally as part of the zoning and business licensing processes. They are not subject to the same scrutiny from a liquor licensing perspective because the restrictions on the operations of a food primary establishment — such as liquor service only in conjunction with food service — reduce the likelihood of a detrimental impact on the community.

[8] Notice must also be given of applications to amend both food primary and liquor primary licences as well as winery lounge and special event area endorsements under certain circumstances (see section 3.5, Licence Amendments).

The licensing process for winery lounge and special event area endorsements also involves a site and community assessment similar to the liquor-primary process. Section 18(8) of the regulations sets out the requirement to give notice of the application to the local government or First Nation. Once notice is given, the local government or First Nation must then consider a range of different factors — as specified in sections 18(9) and 18(10) — in providing comments or recommendations to the general manager with respect to the licence application.

Most of the policies relating to the site and community assessment address the manner in which notice to local governments and First Nations is to be given, and how the resulting comments and recommendations are to be received and considered. While these policies obviously direct the form and the content of the assessment process, their intent is also to provide a framework for a close working relationship between the Liquor Control and Licensing Branch and local communities. Wise and well-informed liquor licensing decisions depend greatly on the strength of this relationship.

Policies

3.3.1. Site and community assessment of a liquor primary licence, winery lounge, or special event area endorsement application

During the site and community assessment, the general manager will determine whether the operation of the proposed establishment at the proposed site is contrary to the public interest. In making this determination, the general manager will consider:

- degree of community support for the establishment to be licensed at the proposed site
- characteristics of and impact on the community in the event the establishment is licensed, and
- any other factors relating to the site and the community the general manager considers relevant to the public interest.

If the general manager determines that the operation of the proposed establishment at the proposed site is not contrary to the public interest, the application will pass the site and community assessment.

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Also, during the site and community assessment, the general manager may identify features of the establishment or other potential concerns that may warrant additional terms and conditions being added to the licence. The general manager will take such things as the physical layout, location and type of establishment into consideration when determining if additional terms and conditions are necessary.

[*Liquor Control and Licensing Act*, sections 11.1, 11.2, and 16(3); Liquor Control and Licensing Act Regulations, sections 10 and 18, Liquor Control and Licensing Branch Policy]

3.3.2. Notice to a local government or First Nation of an application for a liquor primary licence

Unless the local government or First Nation has indicated that it does not wish to receive notice, licensing staff will ensure that a local government or First Nation is notified of an application for a liquor primary licence. The notice will set out the criteria established by regulation that the local government or First Nation must take into account, as follows:

- the location of the establishment
- the proximity of the establishment to other social or recreational facilities and public buildings
- the person capacity and hours of the liquor service of the establishment
- the number and market focus or clientele of the liquor primary licence establishments within a reasonable distance of the proposed location
- traffic, noise, parking and zoning
- population, population density and population trends
- relevant socio-economic information, and

- the impact on the community if the application is approved.

[*Liquor Control and Licensing Act*, sections 11.2(5)(a), and 16(3); Liquor Control and Licensing Regulations, sections 10(2) and 10(3)]

3.3.3. Notice to a local government or First Nation of an application for a winery lounge or special event area endorsement

Unless the local government or First Nation has indicated that it does not wish to receive notice, licensing staff will ensure that a local government or First Nation is notified of an application for a winery lounge or special event area endorsement. The notice will set out the criteria established by regulation that the local government or First Nation must take into account, as follows:

- the location of the winery lounge or special event area
- the proximity of the winery lounge or special event area to other social or recreational facilities and public buildings
- in the case of a winery lounge, the person capacity of that winery lounge
- hours of liquor service of the winery lounge or special event area
- traffic, noise, parking and zoning, and
- the impact on the community if the application is approved.

[*Liquor Control and Licensing Act*, section 16(3); Liquor Control and Licensing Regulations, sections 18(8) and 18(9)]

3.3.4. Notice to a local government or First Nation of a subsequent application for a liquor primary licence

The notice requirements, as in policy 3.3.2 and 3.3.3 remain in effect regardless of whether there is an earlier application in progress within the jurisdiction of the local government or First Nation, and regardless of whether the general manager has received comments respecting the earlier application. If a subsequent application is received within the same jurisdiction, licensing staff will include with the notice a list of any other applications in progress for which local government or First Nation comments have not yet been received.

If a local government or First Nation has more than one application in progress, they may choose the order in which they assess the applications and provide comments to the general manager. If the local government or First Nation has already provided comments to the general manager regarding an application, the general manager will not accept a decision by the local government or First Nation to rescind those comments due to a subsequent licence application within their jurisdiction.

[Liquor Control and Licensing Branch Policy]

3.3.5. Determination of when notice of an application has been received by a local government or First Nation

The local government or First Nation receiving notice of an application under policy 3.3.2 or 3.3.3 must provide comments and recommendations within ninety (90) days of receiving the request, unless the general manager authorizes a further period. For the purposes of calculating the 90-day period in which a response is expected, the notice to the local government or First Nation is considered to have been received seven (7) days after being mailed by licensing staff.

[Liquor Control and Licensing Regulations, sections 10(6) and 18(12), Liquor Control and Licensing Branch Policy]

3.3.6. Requests for time extensions from local governments or First Nations

Should a local government or First Nation request a period of time greater than ninety (90) days in which to provide written comments regarding an application, the general manager may authorize a further period after considering:

- the reasons for the request,
- the proposed date by which comments will be provided,
- any adverse effects the applicant may experience if a further period is authorized,
- whether the circumstances of the delay relate to the specific application under consideration, or whether they suggest a general pattern of delay in respect of all applications in the area, and
- such other factors as may be relevant in the public interest.
- Any further period permitted by the general manager will be authorized in writing.

[Liquor Control and Licensing Act Regulations, sections 10(6) and 18(12), Liquor Control and Licensing Branch Policy]

3.3.7. Recommendations on terms and conditions from local governments or First Nations

A local government or First Nation may pass a resolution in which approval or support for a licence application is contingent on certain terms and conditions being attached to a liquor licence. Under these circumstances, and if the application otherwise meets the requirements for a liquor licence, the general manager will take the recommendations of the local government or First Nation into consideration in determining the terms and conditions of a licence.

[Liquor Control and Licensing Branch Policy]

3.3.8. Consideration of whether local governments or First Nation took into account all of the criteria

The general manager may conclude that the local government or First Nation took into account all of the criteria required by regulation, as in policy 3.3.2 or 3.3.3, if the resolution provides comments on each criterion, or if the comments have been addressed in the staff report and are referenced in the resolution. In the absence of a comment on each criterion, the general manager may conclude that the local government or First Nation did not take into account all of the criteria as required by regulation.

[Liquor Control and Licensing Branch Policy]

3.3.9. Consideration of local government or First Nation comments and recommendations relating to an application for a liquor primary licence, winery lounge, or special event endorsement

In considering a resolution from a local government or First Nation, the general manager will determine whether the comments and recommendations advanced are consistent with the facts presented or are in any way perverse. This includes a determination of whether the recommendations:

- are consistent with public opinion,
- raise a concern about the ratio of establishments to the population served,
- reflect consideration of relevant factors related to liquor licensing and not factors unrelated to liquor licensing, such as the economic impact on individual pre-existing licensees, or
- are otherwise contrary to the public interest.

[*Liquor Control and Licensing Act,* sections 11.2(1) and 16(3); Liquor Control and Licensing Regulations, section 18(5), Liquor Control and Licensing Branch Policy]

3.3.10. Circumstances under which the local government or First Nation may be asked for an amended resolution

If the general manager determines that the resolution from the local government or First Nation does not comment on each criterion, as in policy 3.3.8, the general manager may ask the local government or First Nation for additional information in the form of a new resolution.

[Liquor Control and Licensing Branch Policy]

3.3.11. Circumstances under which the general manager will gather the views of residents by referendum

If the general manager determines that the recommendations advanced in a resolution are contrary to the public interest, the general manager will give residents of the area an opportunity to provide comments respecting the application by way of a public referendum.

Notwithstanding policy 3.3.13 below, if a local government or First Nation does not provide a resolution, or provides a resolution but fails to gather or comment on the views of residents, the general manager may give residents of the area an opportunity to provide comments respecting the application by way of a public referendum.

If 60% or more of the residents are in favour of the granting of the licence, the general manager will take into account the criteria set out in policy 3.3.2 or 3.3.3 that a local government or First Nation would otherwise have taken into account and determine whether the application passes the site and community assessment. If less than 60% of the residents are in favour of granting the licence, the application will not pass the site and community assessment.

[*Liquor Control and Licensing Act,* sections 11.2(1) through (4), and 16(3); Liquor Control and Licensing Regulations, sections 18(15) through 18(20), Liquor Control and Licensing Branch Policy]

3.3.12. Nature of a referendum held to gather the views of residents

In the event that a referendum must be held, as in policy 3.3.11, and in order to afford an opportunity for residents of an area to comment on a licence application, the general manager may direct that a referendum be held:

- in a manner required by the general manager, and
- at the applicant's expense.

[*Liquor Control and Licensing Act,* section 11.2(2), Liquor Control and Licensing Regulations, section 18(18)]

3.3.13. Circumstances under which the general manager will gather the views of residents by receiving written comments in response to a public notice of the application

If the local government or First Nation:

- has indicated that it does not wish to receive notice of an application,
- has indicated that it does not wish to provide comments on an application,
- does not reply to a notice of an application within ninety (90) days and no extension to the time has been granted, or
- provides a resolution but fails to gather or comment on the views of residents in accordance with the regulations,
- the general manager will generally direct the applicant to give public notice of the application to residents in the area.

When determining whether the application passes the site and community assessment, the general manager will take into account the views of residents as well as the criteria set out in policy 3.3.2 or 3.3.3 that a local government or First Nation would otherwise have taken into account.

[*Liquor Control and Licensing Act*, sections 11.2(5) and 16(3); Liquor Control and Licensing Regulations, sections 18(16) through 18(18) Liquor Control and Licensing Branch Policy]

3.3.14. Consideration of resolutions where a local government or First Nation fails to comment on all of the criteria required by regulation

Where a local government or First Nation:

- provides a resolution that fails to comment on all of the criteria required by the regulations, and
- cannot or will not provide a corrected resolution as requested under policy 3.3.10,
- the general manager may consider any comments provided by the local government or First Nation when taking into account the criteria set out in policy 3.3.2 or 3.3.3. Branch staff will gather information on the outstanding criteria by contacting the responsible local planning department.

[*Liquor Control and Licensing Act*, section 11.1, Liquor Control and Licensing Regulations, section 18, and Liquor Control and Licensing Branch Policy]

3.3.15. Form and manner of public notice of the application

In the event that public notice of a licence application must be given, as in policy 3.3.13, reasonable notice is given by:

- posting Notice of Intent signs in a form determined by the general manager for thirty (30) days
- placing newspaper advertisements on two (2) occasions in local papers to inform the public of the intent to establish a licensed facility or endorsement area at the specific location, and
- such other notification activities as may be approved by the general manager.

When a Notice of Intent sign is posted, photographs showing both the wording on the sign and its location on the site will be taken by the licensee and submitted to the branch to ensure that the branch has a permanent record of these aspects of the sign.

[*Liquor Control and Licensing Act*, sections 11.1(2)(c), 11.2(5)(b), and 16(3); Liquor Control and Licensing Regulations, sections 10(4) and 18(18); Liquor Control and Licensing Branch Policy]

3.3.16. Public response radius when giving public notice of the application

In the event that public notice of a licence application is being advertised as in policy 3.3.15, residents and businesses within a 0.8 kilometre (one half mile) radius of the proposed site have the opportunity to comment in writing. Where there are few, if any, residents or businesses within this radius, a decision to either increase the public notification radius or waive the requirement may be made by the general manager. The decision will be based on the individual circumstances of each application.

Petitions will generally not be considered in ascertaining the residents' views about an application. Written comments will be accepted for one week following the end of the public notification period.

[*Liquor Control and Licensing Act*, sections 11.1(2)(c), 11.2(5)(b), and 16(3); Liquor Control and Licensing Regulations, sections 10(4) and 18(10); Liquor Control and Licensing Branch Policy]

3.3.17. Hearing of the Liquor Licensing Committee

A Liquor Licensing Committee hearing may be scheduled to determine whether the application passes the site and community assessment. Where appropriate, applicants may be invited to provide written submissions or attend the hearing to discuss the merits of their application with the panel members.

[*Liquor Control and Licensing Act,* section 16(3), Liquor Control and Licensing Regulations, section 3, Liquor Control and Licensing Branch Policy]

3.3.18. Written notification of decision following Site and Community Assessment

Written notification of the decision at the conclusion of the site and community assessment will be provided to the applicant indicating:

- whether the application has passed the site and community assessment or been rejected, and
- if rejected, the reasons for rejection.

Revised November 2008

The applicant will also be informed of and provided reasons for, any terms and conditions to be added to the licence that are over and above those terms and conditions regularly imposed. The applicant will be given time to respond to the addition of terms and conditions.

[Liquor Control and Licensing Branch Policy]

3.3.19. Extension of approval period

To permit adequate time for floor plan approval, while at the same time encouraging applicants to move ahead at a reasonable rate, approval at the conclusion of the site and community assessment is valid for six (6) months from the date it is granted. Applicants are expected to submit floor plans, have them approved and receive approval in principle during this six (6) month approval period. In order to keep the site and community assessment current, approval will only be extended beyond this period under justifiable circumstances.

Revised February 2008

An applicant may request an extension of time by writing to the general manager. The general manager may grant a request for a time extension provided the request is received thirty (30) days prior to the expiry of the six (6) month approval period, and if satisfied that:

- the request is reasonable,
- the delays giving rise to the request are beyond the applicant's control,
- where a third party is responsible for the delay, a letter from the third party outlining the current status and schedule for completion should accompany the request for extension, and
- there have been no significant changes in the characteristics of or impacts on the community in the intervening time period

The onus on obtaining an extension is on the applicant. If an extension request is not received prior to the expiry of the six (6)-month period, the application will be terminated.

[Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 11.1, 11.2, 11.3, 16(1), and 16(3); Liquor Control and Licensing Regulations, sections 3, 4(1), 4(2), 5, 10, 18, and 53; Liquor Control and Licensing Branch Policy.

3.4 Stage 4: Building Assessment and Issue of a Licence

Policy Rationale

The building assessment and, finally, issuing a licence is the last stage in the liquor licensing process for all licence classes[9]. It is at this stage that the plans for a proposed licensed establishment are received, reviewed, and – assuming they meet all relevant criteria – approved. Once approved and the building is

[9] A brief overview of the steps in the licensing process can be found in the introduction to this chapter.

constructed according to plan, and provided all the criteria at other stages of the licensing process have also been met, a liquor licence can then be issued.

As discussed in greater detail in the chapter on Premises, the physical characteristics of an establishment affect how well licensees and their staff can manage areas licensed for the sale and consumption of liquor. Therefore, these characteristics contribute to how well the general manager can perform the duty to "supervise the conduct and operation of licensed establishments" under section 6(c) of the *Liquor Control and Licensing Act*. This is the principal concern in the building assessment process.

In addition to the management and control considerations, however, there are a range of health and safety concerns that the liquor licensing system is either designed to address, or that must be tackled through the joint action of the Liquor Control and Licensing Branch and other provincial and municipal bodies. For this reason, section 5 of the regulations gives the general manager the power to require certain approvals by local government or first nation authorities prior to granting a liquor licence. The section specifies that these include "any applicable zoning approvals", but they may also include development permits and any other approvals that may be required by local government or First Nation authorities.

The primary task at the building assessment stage is, then, reviewing the plans and later inspecting the premises with a view to ensuring that there is compliance with all statutory and policy requirements. Following the policies below, a series of guidelines have been developed to aid in the assessment of plans for most types of licensed establishments at this stage in the licensing process. For the most part, these guidelines speak to how well the physical layout of the building will contribute to the good management of the establishment once it is built.

Another important task undertaken at this stage is setting the person capacity of the establishment. Under section 6(2) of the regulations, the general manager is obliged to set the person capacity at a figure equal to the occupant load of the establishment. The general manager may not, however, approve a licensed establishment that is larger than the occupant load and associated person capacity that was specified in the earlier licensing processes. In any case, the process is a little more complex than simply calibrating the person capacity with the occupant load. Section 6(1) requires that the general manager set the person capacity "having regard to the public interest and the views of a local government or first nation if provided ..." Policy relating to this step largely addresses how public interest information — in particular, local community information and the concerns of local government and First Nations — will be dealt with in deciding the person capacity for the proposed licensed establishment.[10]

Following the building assessment — and once the establishment is built — there remain only some administrative tasks and the final observations to ensure that the commitments made so far on paper have been realized in practice. With the exception of licence fee requirements in section 2 of the Liquor Control and Licensing Regulations, there are no specific provisions in the Act or regulations to guide this final process. There are, primarily, four tasks undertaken. First of all, a compliance and enforcement officer inspects the establishment to ensure that the construction is consistent with the approved plans. Second, the terms and conditions of the licence are discussed with the applicant. Third, the administrative requirements for issuing the licence are addressed. And last, the licence itself is issued to the new licensee.

Although the key decisions in licensing have already been made before these tasks are undertaken, the importance of these final steps should not be underestimated. It is at this time that a relationship between the compliance and enforcement officer and the licensee is established, and the opportunity arises to discuss the practicalities of meeting the terms and conditions of the liquor licence. Often, it is this relationship between the compliance and enforcement officer and the licensee, and certainly the degree of understanding the licensee acquires about the operation of the establishment under the licence, that determines whether or not there will be enforcement problems later on.

[10] See "Capacity" in chapter 6, "Premises", for more specific public interest factors that must be taken into account in setting person capacity.

Policies

3.4.1. Consideration of local government and First Nation approvals

In assessing whether it would be in the public interest to issue or transfer a liquor licence, the general manager may require evidence of local government or first nation approvals in relation to the establishment, including zoning approvals and any other approvals required by a local government or first nation in relation to the establishment.

[Liquor Control and Licensing Regulations, section 5]

3.4.2. Plan requirements for separate licensed areas

If the plans indicate that the proposed establishment will be divided, and there is a space between the areas where liquor may not be present, then the plans must indicate these as separate licensed areas. Areas outside the interior establishment, such as a patio, must also be represented in the plan as a separate area.[11]

[Liquor Control and Licensing Branch Policy]

3.4.3. Review of plans for compliance with statutory and policy requirements

Licensing staff will review the architectural working drawings to ensure that all statutory and policy requirements have been met in the design of the proposed licensed establishment. If these requirements have been met, licensing staff will advise the applicant that the plans may be presented to local building and fire authorities for approval.

[Liquor Control and Licensing Branch Policy]

3.4.4. Marking on plans where liquor may be served and/or consumed

Liquor may be served and/or consumed only in the areas of the establishment marked on the floor plan as approved for this purpose, commonly known as the redlined areas[12]. Areas within the redlined area may include:

- interior stairwells moving from one area of the establishment to another
- dance floors
- washrooms, provided that a patron does not need to walk through an unlicensed area, such as a hotel lobby, to get to the washroom, and
- the side of a liquor service bar facing patrons.
- Areas that cannot be included within the redlined area include:
- common areas such as a hotel lobby
- a dedicated stage area for entertainers[13], and
- exterior stairwells.

A person capacity for the redlined area is not determined.

[Liquor Control and Licensing Branch Policy]

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[11] If an occupant load cannot be determined for a patio, the patio must still be represented on the plans. The patio will become a term and condition on the licence stating that there is approval for a designated patio as indicated on the floor plan.

[12] Winery endorsement areas are marked on the floor plans as follows:

Winery Lounge – red-lined
Special Event Area – purple-lined
Picnicking Area – red-lined
Tour Area – orange-lined

[13] A "dedicated stage area" is distinguished here from an area that is not visually distinct from the rest of the establishment and where entertainers may, at various times, entertain.

3.4.5. Review of plans for approval before building construction

Once the plans have received local building and fire approval for occupant load, applicants are required to submit two (2) sets of architectural working drawings or plans of the proposed licensed establishment for branch review. Upon receipt of the plans, licensing staff will examine the plans to confirm that:

- the plans contain the necessary detail
- square metres and person capacity details (design occupant load), where available, are noted on the plan for each separate area to be licensed[14]
- approval has been given by local fire and building authorities, and
- the plans continue to meet branch policy.

The plans may then be examined against established guidelines for plans approval[15] to determine whether they conform to the requirements of the liquor licence for which the applicant has applied.

[Liquor Control and Licensing Branch Policy]

3.4.6. Setting person capacity during the original licence application[16]

After building and fire authorities have approved the plans for occupant load, the general manager must set the person capacity of the establishment having regard to the:

- public interest[17]
- views of a local government or First Nation, if provided
- person capacity requested by the applicant in the original application, and
- views of the applicant if the local government or First Nation has recommended a person capacity less than that proposed by the applicant.

Licensing staff will identify any discrepancies between the occupant load determined by local building and fire authorities and the capacity figure supported by the local government or First Nation. The general manager may consider the following options in setting the person capacity:

[14] In some instances the square metres and person capacity details may not be available for each area of the establishment to be licensed, for example, when the separation between the areas is not defined by a wall or other solid fixture. Under these circumstances, licensing staff may need to request additional information from the applicant in order to ascertain the applicant's plans for separation between the areas.
[15] See guidelines later in this section for information on what to look for in reviewing plans submitted by the applicant.
[16] See the section on "Capacity" in chapter 6, "Premises", for more information about the person capacity of licensed establishments.
[17] See "Capacity" in chapter 6, "Premises", for more specific public interest factors that must be taken into account in setting person capacity.

Capacity Figure Considered and Supported by the Local Government or First Nation Relative to the Occupant Load Determined by Local Building and Fire Authorities	General Manager's Options in Setting the Person Capacity
(a) capacity supported by local government or First Nation = occupant load →	• set the person capacity at a figure equal to the occupant load, and equal to that considered and supported by the local government or First Nation
• capacity supported by local government or First Nation > occupant load →	• set the person capacity at a figure equal to the occupant load, and at a figure reduced from that supported by the local government or First Nation

• capacity supported by local government or First Nation < occupant load →	• determine if the capacity supported by local government or First Nation is in the public interest;
	  • if deemed to be in the public interest, then will not set the person capacity, and will ascertain whether the applicant wishes to
	  • refer the application back to the local government or First Nation with a request that it be re-considered and a new resolution issued to address the discrepancy, or
	  • redesign the building in such a way that the occupant load will be equal to the capacity figure supported by the local government or First Nation
	  • if deemed *not* to be in the public interest, then may
	  • set the person capacity at a figure equal to the occupant load, or
	  • set the person capacity at a figure less than the occupant load, and require that the applicant redesign the building in such a way that the occupant load will be equal to this person capacity

[Liquor Control and Licensing Regulations, sections 6(1) through (3), Liquor Control and Licensing Branch Policy]

3.4.7. Bylaw limiting person capacity

A local government or First Nation may pass a bylaw limiting the capacity of a licensed establishment, without reference to either the occupant load of the establishment or the person capacity determined by the general manager. Where the bylaw capacity is less than the person capacity set by the general manager for a licensed establishment, enforcement of the bylaw capacity shall be the responsibility of the local government or First Nation.

[Liquor Control and Licensing Branch Policy]

3.4.8. Notification of decision

If approval of the plans is not granted:

- the applicant will be notified in writing and will be given the reasons why the plans were rejected,
- one of the plans will be returned, and
- the applicant will be advised that they may revise and resubmit the plans before the expiry date given at the conclusion of the site and community assessment.

If approval of the plans is granted:

- the liquor consumption area will be redlined on the floor plan,
- the plans that have been approved will be stamped as approved, and
- the plans will be returned to the applicant with instructions that construction may proceed, subject to any local approvals or permits that may be required.

[Liquor Control and Licensing Regulations, section 5; Liquor Control and Licensing Branch Policy]

3.4.9. Extension of approval period

To permit adequate time for construction, while at the same time encouraging applicants to move ahead at a reasonable rate, approval in principle is valid for twelve (12) months from the date it is granted. Applicants are expected to construct, have the final inspection, and complete the licensing process during this twelve (12) month approval period. In order to keep the approval in principle current, approval will only be extended beyond this period under justifiable circumstances.

An applicant may request an extension of time by writing to the general manager. The general manager may grant a request for a time extension provided the request is received thirty (30) days prior to the expiry of the twelve (12) month approval period, and if satisfied that:

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- the request is reasonable,
- the delays giving rise to the request are beyond the applicant's control,
- where a third party is responsible for the delay, a letter from the third party outlining the current status and schedule for completion should accompany the request for extension, and
- there have been no significant changes in the characteristics of or impacts on the community in the intervening time period

The onus on obtaining an extension is on the applicant. If an extension request is not received prior to the expiry of the twelve (12)-month period, the application will be terminated.

[Liquor Control and Licensing Branch Policy]

3.4.10. Inspection of premises

Upon notification from the applicant that all construction or building alterations are complete, the local compliance and enforcement officer will:

- inspect the premises to ensure compliance with the approved floor plans and with all statutory or policy requirements
- take photographs to show the interior design of the premises and exterior signs, and
  outline the liquor consumption area on the reduced floor plans that the applicant must keep with the licence, and

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- advise the applicants that terms and conditions may be added to the licence to ensure that the establishment complies with regulatory and policy requirements and identify potential concerns that may warrant additional terms and conditions being added to the licence (if not already identified during the site and community assessment).

[Liquor Control and Licensing Branch Policy]

3.4.11. Review of licence terms and conditions

The local compliance and enforcement officer will review the terms and conditions of the liquor licence with the applicant

- at the time of inspection, or
- in an information session for applicants, held as soon as possible after the inspection.

[Liquor Control and Licensing Branch Policy]

3.4.12. Final administrative requirements

At the time of inspection or at the information session, the local compliance and enforcement officer will obtain the licensee's signature on the Inspection Interview Information Sheet, and inform the applicant that they must forward the following to the Liquor Control and Licensing Branch Headquarters in Victoria:

- a Social Services tax number, unless previously provided, and
- the appropriate licence fee by way of any of the payment options made available by the branch.

[Liquor Control and Licensing Branch Policy]

3.4.13. Licence notification

When a new licence number is issued, licensing staff will advise the following persons or authorities:

- the applicant
- the Liquor Distribution Branch store manager and/or authorized agency where the new licensee will be purchasing liquor
- the local police
- in respect of a liquor primary licence, the local government or First Nation in the area where the licensed establishment is to be located, and
- the local compliance and enforcement officer.

[Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, section 6(c); Liquor Control and Licensing Regulations, sections 5, and 6(1) through (3); Liquor Control and Licensing Branch Policy.

Plans Approval Guidelines

Plans approval guidelines for liquor primary licensing:

- identify scale, occupant loads, and consistency with size in the original application
- *Revised March 2008* identify primary features (kitchen/food supply, liquor service bar, outdoor patios, stages, dance floors, entertainment, props, games and washrooms)
- review plans for conformity with patio policy
- review plans for conformity with adjoining restaurant, adjoining unlicensed areas, and other use policies
- require side wall section drawings as necessary, and
- review for point of "off sales" (where permitted) and line of sight from liquor service bars throughout the licensed areas.

Plans approval guidelines for food primary licensing:

- identify scale, occupant loads, and consistency with size in the original application
- *Revised March 2008* identify primary features (kitchen, dining areas, outdoor patios, washrooms, liquor service bars, food service bars, lounge areas)

- review layout for consistency with food primary licence characteristics
- review plans for conformity with entertainment policies [video, stages, dance floors (size/location), entertainment (karaoke, comedy, etc.), and games]
- review kitchen and equipment to ensure consistency with food primary licence
- review plans for conformity with adjoining restaurant adjoining unlicensed areas, and other use policies, and
- review plans for conformity with furnishings and equipment policies (bar stools, takeout areas and other unlicensed areas, location of lounge area, liquor service bar versus other food bars).

Plans approval guidelines for Licensee Retail Stores

- review for suitable separation between LRS and other licensed and unlicensed areas, and
- review for prohibition on drive-through windows.

Plans approval guidelines for liquor primary licensing of stadiums:

- identify scale, occupant loads, and consistency with size in the original application
- identify primary features for the specific facility (tiered seating and playing surface, dedicated unlicensed seating area)
- identify areas to be licensed, such as stands/bleachers, patios, semi-private lounges for media, performers and athletes, corporate boxes, and concourses
- identify the stadium's tiered seating areas to be designated as areas where the possession and consumption of liquor is not allowed
- identify banquet or beer garden areas, ramps between seating levels, various concessions and any associated dining establishments, and
- identify areas that may use glassware versus single use articles only and identify areas dedicated for all types of liquor versus areas dedicated to restricted types of liquor.

Plans approval guidelines for winery lounge, special event picnicking, or tour area endorsements:

- identify scale, local government and First Nation approval and occupant loads (for winery lounge and interior special event areas).
- identify on the site plan the location of the endorsement area(s) as well as access/egress, driveways, vineyards, and other buildings on the winery site
- identify primary features (indoor lounges, outdoor patio lounge, perimeter boundaries, roofs and awnings, food preparation and service area, liquor service bar, stages, dance floors, entertainment, props, games and washrooms)

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- identify whether there is full or partial overlap of lounge with on-site winery agency store and/or designated sampling area,
- identify any overlaps of tour area with any other endorsement areas,

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- identify any overlaps of special event area with any other endorsement areas;
- identify location and situation in relation to winery.
  - Lounge areas must be located on or immediately adjacent to the primary manufacturing site of the winery.
  - Where a picnic area is immediately adjacent to the primary manufacturing site or interior winery lounge and the potential exists for the picnic area to become an extension of, or be used by the licensee as an alternative to, a winery lounge the following term and condition is to be added to the face of the licence:
    - Signage must be posted in the picnic area indicating that the sale and service of liquor is not permitted within that area.

LIQUOR PRIMARY LICENCE APPROVAL

Stage one: Application for a new licence

1. Applicant
- Completes application form and attaches supporting documentation and fee
- Submits application to LCLB headquarters

2. Senior licensing analyst
- Receives and reviews application
- Determines whether the business carried on in the proposed establishment is beverage service, entertainment or hospitality

No → **3. Senior licensing analyst**
- Refers application to higher authority for decision on whether to reject application

No

Yes

4. Senior licensing analyst
- Determines whether application is complete

No → **5. Senior licensing analyst**
- Sends letter to applicant requesting the documents required to complete the application
- Holds application for 90 days to await receipt of outstanding documents
- Determines whether application is complete

Yes

Yes

6. Senior licensing analyst
- Sends letter to applicant advising that application complete

Stage two: Applicant eligibility assessment

7. Senior licensing analyst
- Obtains criminal record history and compliance history
- Considers applicant suitability: fit and proper, residency and age requirements, business ownership and valid property interest, and tied house circumstances
- Determines whether the applicant is eligible for a liquor licence

No → **8. Senior licensing analyst**
- Refers application to higher authority for decision on whether to reject application

Yes

Stage three: Site and community assessment

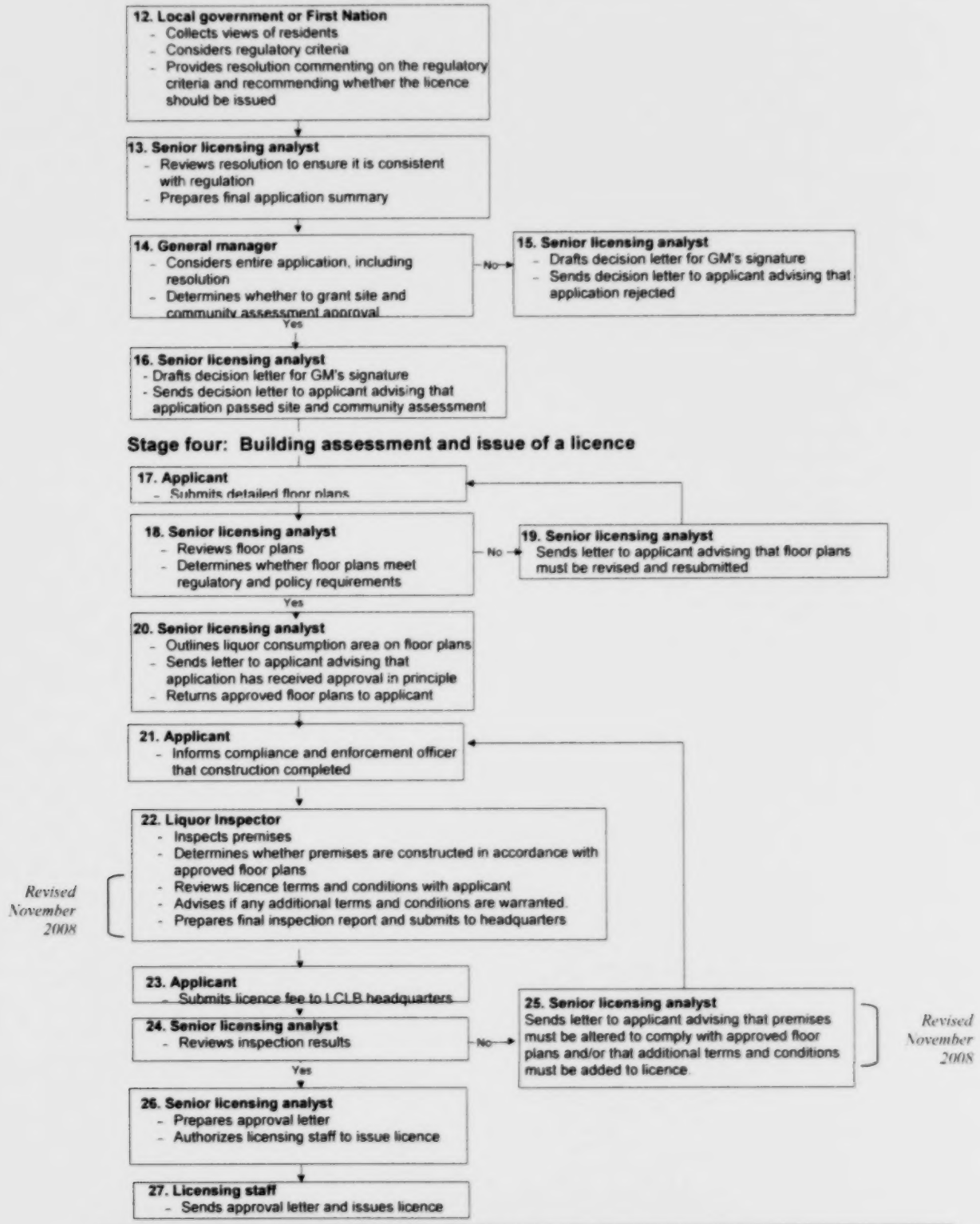
9. Licensing staff
- Prepares inspector site report and generates map

10. Liquor Inspector
- Conducts site visit
- Prepares site report
- When warranted and in consultation with licensing staff, recommends the addition of terms and conditions to licence if applicant is successful.

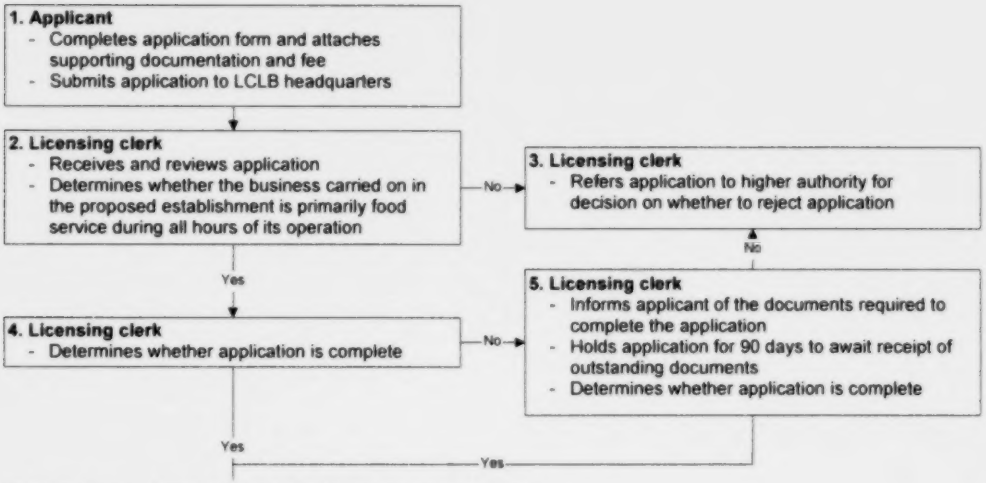
Revised November 2008

11. Senior licensing analyst
- Compiles information from site report and application to prepare application summary
- Forwards application summary to applicant for review and comment, and advises applicant they have passed applicant eligibility assessment
- Incorporates applicant's comments
- Forwards application summary to local government or First Nation

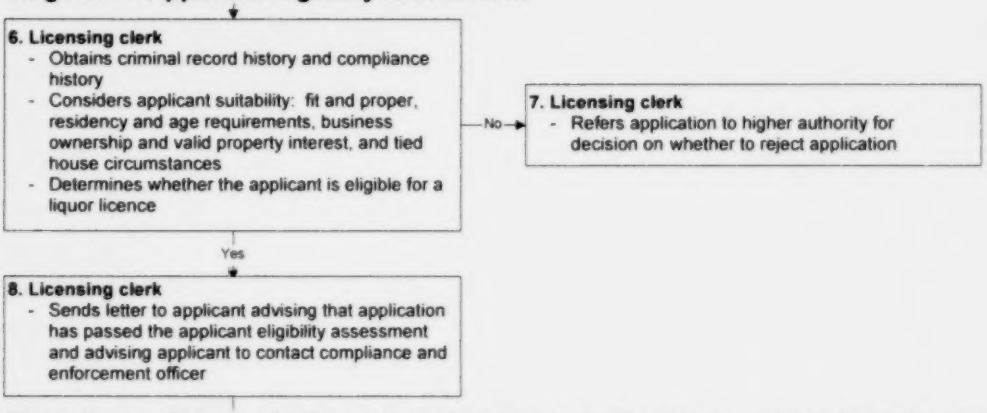
to page 2


12. Local government or First Nation
- Collects views of residents
- Considers regulatory criteria
- Provides resolution commenting on the regulatory criteria and recommending whether the licence should be issued
13. Senior licensing analyst
- Reviews resolution to ensure it is consistent with regulation
- Prepares final application summary
14. General manager
- Considers entire application, including resolution
- Determines whether to grant site and community assessment approval
No
15. Senior licensing analyst
- Drafts decision letter for GM's signature
- Sends decision letter to applicant advising that application rejected
Yes
16. Senior licensing analyst
- Drafts decision letter for GM's signature
- Sends decision letter to applicant advising that application passed site and community assessment
Stage four: Building assessment and issue of a licence
17. Applicant
- Submits detailed floor plans
18. Senior licensing analyst
- Reviews floor plans
- Determines whether floor plans meet regulatory and policy requirements
No
19. Senior licensing analyst
Sends letter to applicant advising that floor plans must be revised and resubmitted
Yes
20. Senior licensing analyst
- Outlines liquor consumption area on floor plans
- Sends letter to applicant advising that application has received approval in principle
- Returns approved floor plans to applicant
21. Applicant
- Informs compliance and enforcement officer that construction completed
22. Liquor Inspector
- Inspects premises
- Determines whether premises are constructed in accordance with approved floor plans
- Reviews licence terms and conditions with applicant
- Advises if any additional terms and conditions are warranted.
- Prepares final inspection report and submits to headquarters
Revised November 2008
23. Applicant
- Submits licence fee to LCLB headquarters
24. Senior licensing analyst
- Reviews inspection results
No
25. Senior licensing analyst
Sends letter to applicant advising that premises must be altered to comply with approved floor plans and/or that additional terms and conditions must be added to licence.
Revised November 2008
Yes
26. Senior licensing analyst
- Prepares approval letter
- Authorizes licensing staff to issue licence
27. Licensing staff
- Sends approval letter and issues licence

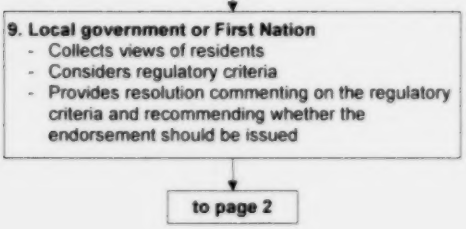
FOOD PRIMARY LICENCE APPROVAL


1. Applicant
- Completes application form and attaches supporting documentation and fee
- Submits application to LCLB headquarters
2. Licensing clerk
- Receives and reviews application
- Determines whether the business carried on in the proposed establishment is primarily food service during all hours of its operation
No
3. Licensing clerk
- Refers application to higher authority for decision on whether to reject application
No
Yes
5. Licensing clerk
- Informs applicant of the documents required to complete the application
- Holds application for 90 days to await receipt of outstanding documents
- Determines whether application is complete
4. Licensing clerk
- Determines whether application is complete
No
Yes
Yes

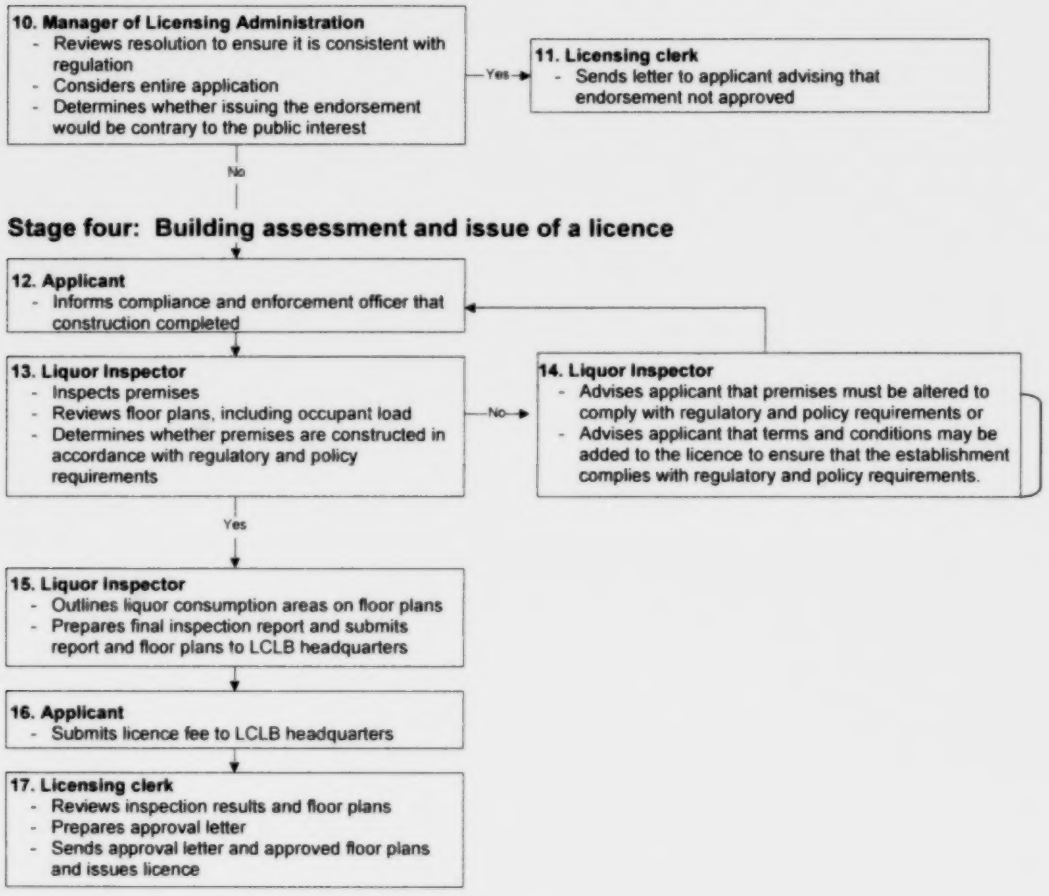
Stage two: Applicant eligibility assessment


6. Licensing clerk
- Obtains criminal record history and compliance history
- Considers applicant suitability: fit and proper, residency and age requirements, business ownership and valid property interest, and tied house circumstances
- Determines whether the applicant is eligible for a liquor licence
No
7. Licensing clerk
- Refers application to higher authority for decision on whether to reject application
Yes
8. Licensing clerk
- Sends letter to applicant advising that application has passed the applicant eligibility assessment and advising applicant to contact compliance and enforcement officer

Stage three: Community impact assessment (only if applicant applying for endorsement for patron participation entertainment and/or hours of liquor service past midnight)


9. Local government or First Nation
- Collects views of residents
- Considers regulatory criteria
- Provides resolution commenting on the regulatory criteria and recommending whether the endorsement should be issued

to page 2


10. Manager of Licensing Administration
- Reviews resolution to ensure it is consistent with regulation
- Considers entire application
- Determines whether issuing the endorsement would be contrary to the public interest
Yes
11. Licensing clerk
- Sends letter to applicant advising that endorsement not approved
No
Stage four: Building assessment and issue of a licence
12. Applicant
- Informs compliance and enforcement officer that construction completed
13. Liquor Inspector
- Inspects premises
- Reviews floor plans, including occupant load
- Determines whether premises are constructed in accordance with regulatory and policy requirements
No
14. Liquor Inspector
- Advises applicant that premises must be altered to comply with regulatory and policy requirements or
- Advises applicant that terms and conditions may be added to the licence to ensure that the establishment complies with regulatory and policy requirements.
Yes
15. Liquor Inspector
- Outlines liquor consumption areas on floor plans
- Prepares final inspection report and submits report and floor plans to LCLB headquarters
16. Applicant
- Submits licence fee to LCLB headquarters
17. Licensing clerk
- Reviews inspection results and floor plans
- Prepares approval letter
- Sends approval letter and approved floor plans and issues licence

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3.5 Licence Amendments

Policy Rationale

In the same way that there is considerable involvement by local governments and First Nations in the site and community assessment process for liquor primary applications, local governments and First Nations have a significant part to play if an amendment to a licence may have an impact on the surrounding neighbourhood or the community in which the establishment is located. As part of the larger public interest test specified section 16(3) of the Liquor Control and Licensing Act, section 11.3 of the Act obliges the general manager not to amend a licence unless — in the prescribed circumstances — the local government or First nation has been notified.

Section 53 of the regulations sets out what these prescribed circumstances are, and the criteria a local government or First Nation must take into account in providing comments and recommendations to the general manager respecting an amendment application. For liquor primary and winery lounge or special event area endorsement amendment applications, section 53(2) requires that notice be given of any application proposing to extend the hours of liquor service, increase the person capacity or the size of a special event area, or add a patio. Similarly, for food primary licence amendment applications, section 53(3) requires that notice be given of any application proposing to end liquor service hours later than 12:00 a.m., or to introduce patron participation entertainment.

In all of these cases, regardless of licence category, the local government or First Nation must consider the potential for noise and the impact on the community if the application is approved. For food primary amendment applications, they must additionally consider "... whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose"; that is, whether later liquor service hours or patron participation entertainment would be inconsistent with an establishment primarily engaged in the service of food.

On the basis of these provisions in the Act and regulations, licence amendment policies primarily address the manner in which notice to local governments and First Nations is to be given, and how the resulting comments and recommendations are to be received and considered. Under some circumstances, the branch may need to gather the views of residents in place of a local government or First Nation. The policies also detail the manner in which this task will be undertaken.

Policies

3.5.1. Notice to a local government or First Nation of an application to permanently amend a liquor primary licence or winery lounge or special event area endorsement

Unless the local government or First Nation has indicated that it does not wish to receive notice, licensing staff will ensure that a local government or First Nation is notified of an application to permanently amend a liquor primary licence or a winery lounge or special event area endorsement in respect of:

- an extension of hours of liquor service[18],
- an increase in the person capacity[19], with the exception of a one-time application for an increase in the person capacity up to the occupant load of the establishment under section 54 of the Liquor Control and Licensing Regulation, and/or
- an increase in the size of a special event area
- the addition of a patio[20].

[18] See related policy on the factors taken into consideration in changing the hours of sale in section 5.1 Hours of Sale.
[19] See related policy on the factors taken into consideration in changing the capacity of a licensed establishment in chapter 6 Premises, in particular sections 6.2 Structural Alterations and 6.3 Capacity.
[20] See related policy for adding a patio in section 6.4 Outdoor Patios.

The notice will set out the criteria established by regulation that the local government or First Nation must take into account, including:

- the potential for noise if the application is approved, and
- the impact on the community if the application is approved.

[*Liquor Control and Licensing Act,* sections 11.3(1) and 16(3); Liquor Control and Licensing Regulations, sections 53(2) and (4)]

3.5.2. Notice to a local government or First Nation of an application to permanently amend a food primary licence

Unless the local government or First Nation has indicated that it does not wish to receive notice, licensing staff will ensure that a local government or First Nation is notified of an application to permanently amend a food primary licence in respect of:

- liquor service hours ending after 12:00 a.m.[21], and/or
- patron participation entertainment[22].

The notice will set out the criteria established by regulation that the local government or First Nation must take into account, including:

- the potential for noise if the application is approved
- the impact on the community if the application is approved, and
- whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose and, therefore, inconsistent with an establishment primarily engaged in the service of food.

[*Liquor Control and Licensing Act,* sections 11.3 and 16(3); Liquor Control and Licensing Regulations, sections 53(3) and (4)]

3.5.3. Notice to a local government or First Nation of an application to temporarily amend a licence

Licensing staff will ensure that a local government or First Nation is notified of an application to temporarily amend a liquor primary licence or a winery licence with a lounge or special event area endorsement in respect of:

- an extension of hours of liquor service, and/or
- an increase in the person capacity, and /or
- an increase in the size of a special event area, and/or
- the addition of a patio.

Licensing staff will ensure that a local government or First Nation is notified of an application to temporarily amend a food primary licence in respect of:

- liquor service hours ending after 12:00 a.m., and/or
- patron participation entertainment.
- The local government or First Nation may provide written comments indicating whether or not it objects to the temporary amendment.

The local government or First Nation is not required to:

- provide comments in the form of a resolution, or
- gather the views of residents with respect to the temporary amendment.

[21] See related policy on the factors taken into consideration in changing the hours of sale in section 5.1 Hours of Sale.
[22] For a definition of "patron participation entertainment" and related policy, see 11.4 Patron Participation and Non-Participation Entertainment.

The general manager will take any comments from a local government or First Nation into account when determining whether to temporarily amend a licence.

[Liquor Control and Licensing Branch Policy]

3.5.4. Determination of when notice of an application has been received by a local government or First Nation

The local government or First Nation receiving notice of an application under policy 3.5.1 or 3.5.2 must provide comments and recommendations within ninety (90) days of receiving the request, unless a further period is authorized by the general manager.

Before licensing staff begin processing the licence amendment application, the applicant will be expected to return to the Liquor Control and Licensing Branch Headquarters a copy of the notice that has been date-stamped by the local government or First Nation. For the purposes of calculating the 90-day period in which a response is expected, the notice is considered to have been received by the local government or First Nation on the date stamped on the returned copy of the notice.

[Liquor Control and Licensing Regulations, section 53(7), Liquor Control and Licensing Branch Policy]

3.5.5. Requests for time extensions from local governments or First Nations

Should a local government or First Nation request a period of time greater than 90 days in which to provide written comments regarding an application, the general manager may authorize a further period after considering:

- the reasons for the request,
- the proposed date by which comments will be provided,
- any adverse effects the applicant may experience if a further period is authorized,
- whether the circumstances of the delay relate to the specific application under consideration, or whether they suggest a general pattern of delay in respect of all applications in the area, and
- such other factors as may be relevant in the public interest.

Any further period permitted by the general manager will be authorized in writing.

[Liquor Control and Licensing Act Regulations, section 53(7), Liquor Control and Licensing Branch Policy]

3.5.6. Recommendations on terms and conditions from local governments or First Nations

A local government or First Nation may pass a resolution in which approval or support for a licence amendment application is contingent on certain terms and conditions being attached to a liquor licence. Under these circumstances, and if the application otherwise meets the requirements for amending a liquor licence, the general manager will take the recommendations of the local government or First Nation into consideration in determining the terms and conditions of a licence.

[Liquor Control and Licensing Branch Policy]

3.5.7. Consideration of whether local governments or First Nation took into account all of the criteria

The general manager may conclude that the local government or First Nation took into account all of the criteria required by regulation, as in policies 3.5.1 and 3.5.2, if:

- the resolution provides comments on each criterion, or
- the resolution provides comments on each criterion, except the views of residents, as these are deemed to be consistent with the community plan, or

- if the comments have been addressed in the staff report and are referenced in the resolution.

In the absence of a comment described above, the general manager may conclude that the local government or First Nation did not take into account all of the criteria as required by regulation.

[*Liquor Control and Licensing Act,* section 11.3(2)(c); Liquor Control and Licensing Regulations, sections 53(4), (5) and (6); Liquor Control and Licensing Branch Policy]

3.5.8. Consideration of local government or First Nation comments and recommendations relating to an application to amend a licence

When assessing whether it would be contrary to the public interest to amend a licence, the general manager shall consider any resolutions put forward by a local government or First Nation with respect to a licence amendment application. In considering such resolutions, the general manager will determine whether the comments and recommendations advanced in a resolution are consistent with the facts presented or are in any way perverse. This includes a determination of whether the recommendations:

- are consistent with public opinion,
- reflect consideration of relevant factors related to liquor licensing and not factors unrelated to liquor licensing, such as the economic impact on individual pre-existing licensees, or
- are otherwise contrary to the public interest.

[*Liquor Control and Licensing Act,* sections 11.3(2) and 16(3); Liquor Control and Licensing Branch Policy]

3.5.9. Circumstances under which the local government or First Nation may be asked for an amended resolution

If the general manager determines that the resolution from the local government or First Nation does not comment on each criterion, as in policy 3.5.7, the general manager may ask the local government or First Nation for additional information in the form of a new resolution.

[Liquor Control and Licensing Branch Policy]

3.5.10. Circumstances under which the general manager will gather the views of residents on an application to permanently amend a licence

If under policy 3.5.7, the local government or First Nation:

- references a community plan that is not consistent with the application, or
- does not reference a community plan and:
  - has indicated that it does not wish to receive notice of an application, or
  - has indicated that it does not wish to provide comments on an application, or
  - does not reply to a notice of an application within ninety (90) days and no extension to the time has been granted, or
  - provides a resolution but fails to gather or comment on the views of residents in accordance with the regulations,

If the general manager determines that the recommendations advanced in a resolution are contrary to the public interest, the general manager will generally direct the applicant to give public notice of a permanent amendment application to residents in the area.

When considering whether to amend the licence, the general manager will take into account the views of those residents as well as the criteria set out in policy 3.5.1 or 3.5.2.

[*Liquor Control and Licensing Act,* sections 11.3(2)(c) and 16(3), Liquor Control and Licensing Regulations, section 53(2), (3), (5), and (7); and Liquor Control and Licensing Branch Policy]

3.5.11. Form and manner of public notice of the application

In the event that public notice of an application is given, as in policy 3.5.10, reasonable notice is given by:

- posting Notice of Intent signs in a form determined by the general manager for thirty (30) days
- placing newspaper advertisements on two (2) occasions in local papers to inform the public of the intent to establish a licensed facility at the specific location, and
- such other notification activities as may be approved by the general manager.

When a Notice of Intent sign is posted, photographs showing both the wording on the sign and its location on the site will be taken by the licensee and submitted to the branch to ensure that the branch has a permanent record of these aspects of the sign.

[*Liquor Control and Licensing Act,* section 11.3(2); Liquor Control and Licensing Branch Policy]

3.5.12. Public response radius when giving public notice of the application

In the event that public notice of a licence application is being advertised as in policy 3.5.11, residents and businesses within a 0.8 kilometre (one half mile) radius of the proposed site have the opportunity to comment in writing. Where there are few, if any, residents or businesses within this radius, a decision to either increase the public notification radius or waive the requirement may be made by the general manager. The decision will be based on the individual circumstances of each application.

Petitions will generally not be considered in ascertaining the residents' views about an application. Written comments will be accepted for one week following the end of the public notification period.

[*Liquor Control and Licensing Act,* section 11.3(2); Liquor Control and Licensing Branch Policy]

3.5.13. Written notification of decision about amendment application

When a decision has been made, written notification will be provided to the applicant indicating:

- whether the application for amendment has been approved or refused, and
- if refused, the reasons the application was refused.

[Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 11(2)(c), 11.3 and 16(3); Liquor Control and Licensing Regulations, section 53.

3.6 Re-Application

Policy Rationale

If a licence for a particular site has already been refused, the applicant and/or the proposed site for a new licensed establishment is considered not to have complied with the requirements of licensing; that is, unless circumstances pertinent to the refusal the first time have changed.

For administrative purposes, a decision not to grant a licence remains active for a period of two years, unless there is a demonstrable change in circumstances. This time period is based on the idea that, for at least this length of time, the factors, such as community impact or support for the application, outside the applicant's control are unlikely to have changed substantially within that period of time.

After two years, a new application may be considered. Or, if the applicant can demonstrate that circumstances relating to the original refusal have changed significantly, the general manager may agree to consider a new application before the two-year period is up. The policies below guide the process by which the general manager may make an exception to the two-year waiting period.

Policies

3.6.1. Refusal to grant a licence effective for two-years

Unless otherwise authorized by the general manager, a new liquor primary licence application for a site with the same legal description as one previously refused will not be considered for a period of two (2) years from the date of the original refusal.

[*Liquor Control and Licensing Act,* section 16(1)(d), Liquor Control and Licensing Branch Policy]

3.6.2. Exception to two-year waiting period

The general manager may agree to accept a new application before the expiry of the 2-year waiting period where the applicant demonstrates that:

- the relevant regulations or policies have changed since the refusal, or
- circumstances have changed significantly, and
- the changed circumstances bear on the reasons for the refusal of the previous application.

[Liquor Control and Licensing Branch Policy]

3.6.3. Effect of exception to two-year waiting period

A decision to make an exception under policy 3.6.2 is not an indication that a new application is likely to succeed. While the reasons an application for the site failed previously are relevant considerations and should be addressed in the new application, the new application will be considered on its own merits and will be subject to current legislation and policies.

[Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, section 16(1)(d); Liquor Control and Licensing Branch Policy.

3.7 Licence Renewals

Policy Rationale

The licence renewal process is guided by section 15(1) of the *Liquor Control and Licensing Act* which specifies that "an application for …a renewal ... of a licence must be in the form approved by the general manager and be accompanied by the prescribed fee". Additionally, section 12(5) of the Act states, simply, that "a licence expires on the date specified on it as the expiry date". By definition, therefore, a licensee who fails to renew their liquor licence by the expiry date stamped on the face of their licence is no longer permitted to sell liquor at their establishment.

The branch will, however, renew a licence for a period of up to thirty days after the expiry date. Under the fee schedule, Schedule 1of the regulations, late renewal applicants are required to pay a fee – over and above the regular licence renewal fee – at the time they submit their application for renewal. Unless the appropriate fee accompanies the application for renewal, licensing staff will not process the application. After thirty days, the licence will only be renewed under exceptional circumstances and, failing that, the licensee may be obliged to apply for and obtain a new licence before they can sell liquor at their establishment again.

Although all the factors considered at the time the licence was originally granted are not considered again at the time of renewal, section 16 of the Act provides that "a licence must not be issued, *renewed* or transferred ..." (emphasis added) where, in the general manager's opinion, the applicant suitability and

public interest conditions have not been met.[23] Primarily, this means that any new convictions for a federal, provincial, or municipal offence, or a poor enforcement record indicating a failure to comply with the *Liquor Control and Licensing Act* and Regulations, may be sufficient reason not to renew a liquor licence.

Policies

3.7.1. Personal suitability factors affecting licence renewal

A licence may not be renewed where, in the general manager's opinion, the licensee is unsuitable for licensing because of a charge or conviction in the preceding three (3) years under the laws of Canada or any province or the bylaws of a municipality or regional district in British Columbia. Additional considerations, occurring at any time prior to the date of a renewal application, may include:

- *Criminal Code* charges and convictions that would prevent the applicant from entering into a registered partnership or limited company,
- *Narcotic Control Act* charges and convictions related to trafficking,
- road side suspensions and other driving infractions in a driving record indicating that an abuse of alcohol was a factor
- charges and convictions in which the abuse of alcohol or other addictive substance has been a factor,
- charges and convictions which may give rise to concerns that the person might not observe the terms and conditions of a liquor licence, or might not operate the establishment in a manner consistent with the responsibilities described in the branch's Responsible Beverage Service Program,
- a poor enforcement record with another licensed establishment,
- flagrant disregard for or persistent infractions of local bylaws that might suggest that the individual is unlikely to be sensitive to local concerns or to ensure their establishment meets local government requirements, and
- such other factors as may be relevant in the public interest.

[*Liquor Control and Licensing Act*, sections 16(1), 16(3) and 16(4), Liquor Control and Licensing Branch Policy]

3.7.2. Site and community factors affecting licence renewal

On the general manager's own motion or on receiving a complaint, and if there is reason to believe that the factors considered in the original site and community assessment may have changed, the general manager may decide to conduct a further assessment to determine whether a licence should be renewed.

[*Liquor Control and Licensing Act*, sections 20(1)(d) and 20(2); Liquor Control and Licensing Branch Policy]

3.7.3. Applications for licence renewal received on or before the expiry date

A liquor licence expires on the expiry date stamped on the face of the licence. If accompanied by the annual licence renewal fee, and pending consideration of the factors outlined in policy 3.7.1, an application for licence renewal received on or before the expiry date will be processed without delay.

[*Liquor Control and Licensing Act*, sections 15(1) and 12(5), Liquor Control and Licensing Regulations, section 55, Liquor Control and Licensing Branch Policy]

[23] A fuller discussion of these conditions can be found under the Applicant Eligibility Assessment and Site and Community Assessment sections earlier in this chapter.

3.7.4. Applications for licence renewal received within thirty days after expiry date

If accompanied by the requisite late application fee in addition to the annual licence renewal fee, and pending consideration of the factors outlined in policy 3.7.1, an application for licence renewal may be processed if it is received within thirty (30) calendar days of the expiry date.

[*Liquor Control and Licensing Act,* sections 15(1) and 12(5), Liquor Control and Licensing Regulations, section 55, Liquor Control and Licensing Branch Policy]

3.7.5. Applications for licence renewal received more than thirty days after expiry date

Unless otherwise authorized by the general manager, an application for licence renewal may not be accepted if it is received more than 30 days after the expiry date. The general manager may decide to accept an application for renewal more than 30 days after the expiry date of the licence if:

- the licensee provides written reasons for submitting a late application to renew the licence, and
- the reasons for late renewal justify an extension to the 30-day late renewal period.

If an extension is not justified, liquor sales in the establishment may not be re-instituted until a new licence application has been submitted and approved and a new licence issued.

[*Liquor Control and Licensing Act,* sections 15(1) and 12(5), Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 12 (5), 15(1), 16(1), 16(2) and 16(3); Liquor Control and Licensing Branch Regulations, section 55.

SECTION 4: Business Ownership and Changes to a Licence

4.0 Introduction

The circumstances in existence at the time a liquor licence is originally issued do not necessarily remain the same throughout the life of the licensed establishment. Businesses grow, diminish, or change in character; owners change or move on; renovations are needed or building additions considered; and so on. Since the changes may affect the operation of the licensed establishment, they may require a change in the terms and conditions of the licence or a change to recognize the new ownership or physical character of the establishment.

This chapter begins with a section about who has the authority to make various changes to a licence – that is, who is the "change approval authority". It should be noted that some of the licence changes for which change approval authority is discussed here are detailed in other chapters. The final section of this chapter covers valid interest in an establishment, whether that interest is through ownership, a lease or a management contract. The remainder of this chapter is devoted to what could be called "miscellaneous" changes to a licence, largely because they are brought about by alterations that do not generally change the conduct or character of the establishment. Rather, they relate to changes in the legal name or ownership of the establishment or to its location.

Topics in this chapter are organized under the following headings:

- Change Approval Authority
- Legal Name/Internal Ownership Changes
- Sale of a Licensed Establishment
- Relocation of a Licensed Establishment
- Valid Interest in an Establishment, and
- Dormant Licences.

4.1 Change Approval Authority

Policy Rationale

Section 3(1) of the Liquor Control and Licensing Regulations permits the general manager to "delegate any of his or her powers, duties and functions under the Act and this regulation to one or more officers or persons …". Section 4(2) of the Act states, further, that "the general manager must issue written directives to the officers …". In the absence of a formal delegation or a written directive, then, the general manager must personally apply the rules and exercise discretion in carrying out the various requirements under the Act and regulations.

In order to achieve administrative efficiencies in the licensing process, specific people and/or officers have been authorized to approve changes when a change to an existing licence conforms to both statutory and policy requirements and the general manager's discretion is not exercised. For conforming applications for temporary changes, and some permanent changes, it is simply more efficient to place the authority to approve the changes in the hands of staff who are most directly involved with the applications.

The following policies establish the broad rules by which change approval authority is applied, as well as the circumstances under which an application should be made to the general manager for discretion to be exercised. A flow chart providing an overview of the roles and responsibilities of licensing staff under these policies can be found at the end of this section.

Policies

4.1.1 Authority to approve applications for changes to licences

Staff having the appropriate change approval authority may approve a change to a licence provided:

- the change is permitted by the Act and regulations and is within policy guidelines, and
- consideration has been given to the compliance histories of the licensee, of any new shareholder or licensee, and of the establishment.

[*Liquor Control and Licensing Act,* section 4(2); Liquor Control and Licensing Regulations, section 3(1); Liquor Control and Licensing Branch Policy]

4.1.2. Applications for an exercise of discretion

The general manager may exercise discretion to approve or reject a change to a licence if:

- the requested change is not prohibited by the Act or regulations, but not generally permitted by policy; and/or
- the licensee or establishment has an unsatisfactory compliance history.

An application for a change to a licence under these circumstances must be submitted in writing to the general manager. The application must include sufficient information to allow consideration of whether the details support an exception to the policy prohibition, and whether the requested change is contrary to the public interest. Increased business or other financial burdens are generally not compelling when considering whether the change is contrary to the public interest. Only the general manager or a person designated by the general manager is authorized to approve or reject such an application.

[Liquor Control and Licensing Branch Policy]

4.1.3. Statute barred change applications

An application for a change to a licence that is prohibited by the Act or regulations is statute barred and cannot be considered for discretionary action by the general manager. Under these circumstances, licensing staff will return the application to the applicant and advise them that their request is not permitted under the Act or regulations.

[Liquor Control and Licensing Branch Policy]

4.1.4. Change applications in which enforcement action is in progress

A change application will generally not be considered until any enforcement action, in progress at the time of application, has been concluded and the relevance of the action has been determined.

[Liquor Control and Licensing Branch Policy]

4.1.5. Factors in determining the relevancy of a licensee's compliance history in a change application

The following factors shall be considered in determining whether the compliance history of the licensee or establishment is relevant:

- whether there are any recent recorded incidents of non-compliance
- whether non-compliance is alleged or proven in any of the incidents
- any enforcement action taken in incidents of non-compliance
- action the licensee has taken to resolve incidents of non-compliance
- any change in ownership or management control of the establishment since the last incidents of non-compliance on record
- number of inspections that have occurred in which no incidents of non-compliance were recorded
- whether police or local government filed any complaints regarding the operation of the establishment
- the impact of any incidents of non-compliance on the surrounding community, and
- likelihood that the requested change will either lead to further non-compliance or assist in resolving issues related to the non-compliance.

[Liquor Control and Licensing Branch Policy]

4.1.6. Time span of compliance record relating to a change request

The time span of a compliance record that will be considered in relation to a licence change is:

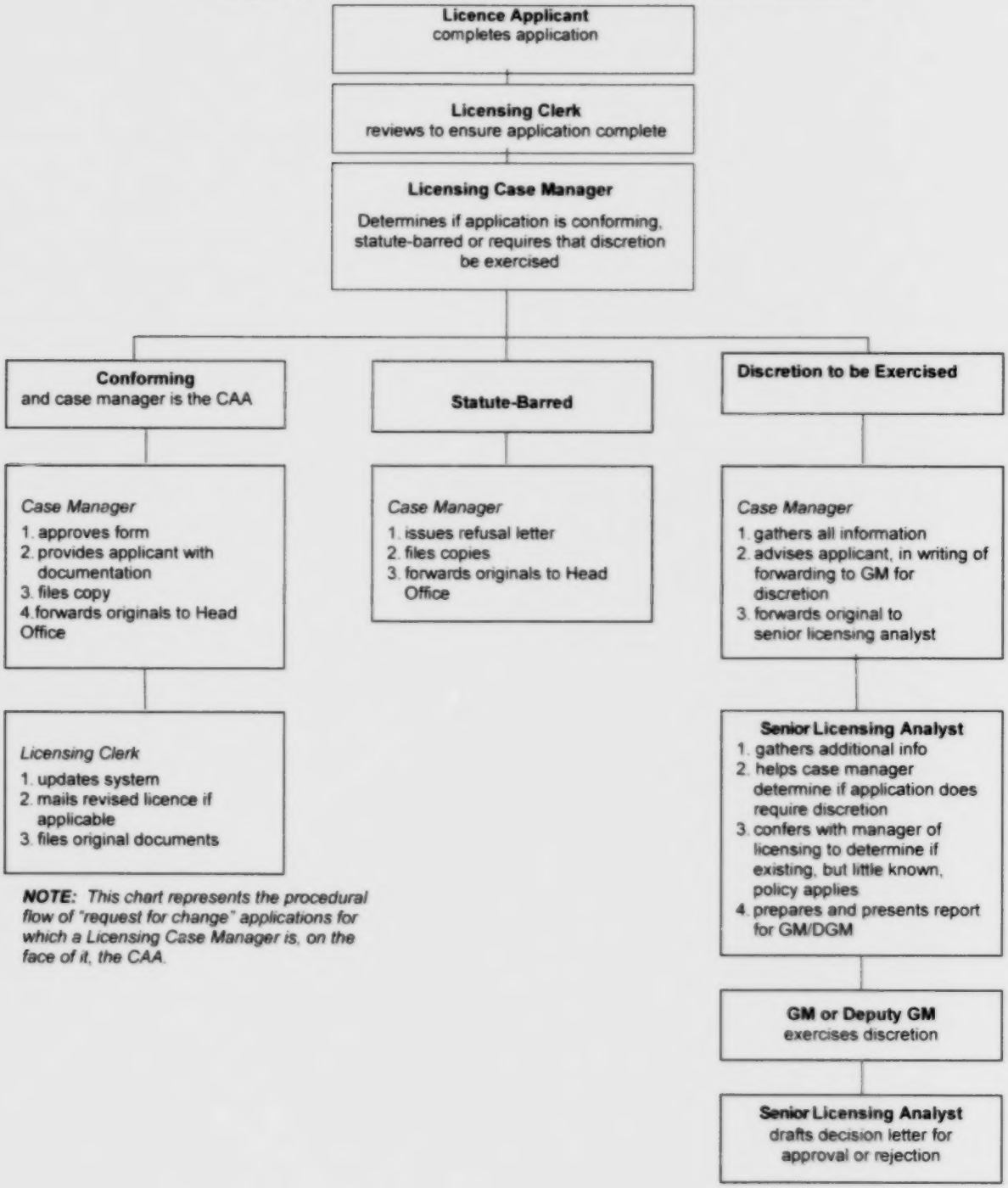
- the previous three years for applicants who currently hold a licence
- the previous ten years for applicants who previously held a licence but who were not prohibited from holding a liquor licence, and
- the full span of the records retained by the Liquor Control and Licensing Branch for applicants who were, at any time, prohibited from holding a liquor licence due to incidents of non-compliance.

[Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, section 4(2); Liquor Control and Licensing Regulations, section 3(1); Liquor Control and Licensing Branch Policy.

Change Approval Authority (CAA) Roles and Responsibilities


Licence Applicant
completes application
Licensing Clerk
reviews to ensure application complete
Licensing Case Manager
Determines if application is conforming, statute-barred or requires that discretion be exercised
Conforming
and case manager is the CAA
Statute-Barred
Discretion to be Exercised
Case Manager
1. approves form
2. provides applicant with documentation
3. files copy
4. forwards originals to Head Office
Case Manager
1. issues refusal letter
2. files copies
3. forwards originals to Head Office
Case Manager
1. gathers all information
2. advises applicant, in writing of forwarding to GM for discretion
3. forwards original to senior licensing analyst
Licensing Clerk
1. updates system
2. mails revised licence if applicable
3. files original documents
Senior Licensing Analyst
1. gathers additional info
2. helps case manager determine if application does require discretion
3. confers with manager of licensing to determine if existing, but little known, policy applies
4. prepares and presents report for GM/DGM
GM or Deputy GM
exercises discretion
Senior Licensing Analyst
drafts decision letter for approval or rejection

NOTE: *This chart represents the procedural flow of "request for change" applications for which a Licensing Case Manager is, on the face of it, the CAA.*

4.2 Legal Name/Internal Ownership Changes

Policy Rationale

The responsibility for all matters respecting a liquor licence is placed with the licensee personally. Additionally, under sections 16(1)(b) and (c) of the *Liquor Control and Licensing Act*, a licence may not be issued, renewed or transferred to a person who "is not the owner of the business ..." or "is not the owner or lessee of the establishment or portion of the establishment to be licensed". Section 4(1) of the Liquor Control and Licensing Regulations elaborates further on the lease requirements, stating that a lessee must be "... under a lease that does not expire for at least 12 months after the date of issue or transfer of the licence".

Proof of ownership or lease – and of who is personally responsible for the conduct of the establishment while licensed – is tied to the legal name of the licensee. This broad requirement guides the policies behind four types of changes to a licence as a result of changes in a licensee's legal name or the composition of persons having a legal interest in an establishment: a change in the licensee's name, whether a sole proprietor, partnership, or corporation; an internal amalgamation; internal share transfers; and the death or bankruptcy of a licensee.

For changes involving licensee names and amalgamations, there are no specific statutory provisions guiding these changes apart from the broad requirement under section 16(1)(b) and (c) of the Act and section 4(1) of the regulations, as already mentioned, and provision for the fees for such changes under Schedule 1 of the regulations. The policies below define the nature of these changes and clearly state those things only implied in the Act and regulations; that is, that the Liquor Control and Licensing Branch should be informed in the event of a change in licensee name or corporate amalgamation. They also set out the documentation accepted by the branch as legal proof of such changes.

For changes involving an internal transfer of shares, section 19 of the Act states that the general manager's approval may be required before a corporation transfers shares in its capital stock. Since internal share transfers involve only a re-assignment of shares among the existing shareholders in the licensed establishment, the general manager need not re-consider factors related to applicant suitability in determining whether to approve such a transfer.[1] This, of course, is also true in the situation of a legal name change or an internal amalgamation of companies within a licensee corporation. The policy respecting internal share transfers specifies the need to acquire the prior approval of the general manager, and outlines the documentation that should be forwarded along with a request for approval.

Finally, for licence changes resulting from the death or bankruptcy of licensees, section 21(2) of the Act gives the heirs, executors, administrators or successors the powers and obligations of the licensee until the expiration of the licence. The general manager may also renew the licence in their name for one year after the expiration date. The policies applicable under these circumstances highlight the need to inform the branch of the situation, and outline the documentation accepted by the branch as evidence of another person's right to act temporarily in place of the deceased or bankrupt licensee.

[1] A somewhat different situation may exist with legal entity changes, for example, when an individual operating under a sole proprietorship wishes to join with one or more partners and register the business as partnership. Under these circumstances, the general manager will need to re-consider factors related to applicant eligibility in determining whether to approve the change since the greater interest in the business no longer lies with the person named in the original application. A similar situation may arise when a new company joins a licensee corporation. If the addition of the new company significantly shifts the ownership of the licensed establishment so that the greater interest in the establishment no longer lies with the companies named in the original application, the general manager will need re-consider applicant eligibility in determining whether to approve the change. These situations are treated as licence transfers (see applicable policy under Change in Ownership or Sale of a Licensed Establishment in this chapter).

Policies

4.2.1. Advice of licensee name change

In the event that the sole proprietor, partnership or corporation to whom a licence is issued legally changes their name, the general manager must be notified. A change in licensee name involves a change in the name of the person(s), organization, or business name under which the licensee operates the licensed establishment, but no change in the status of the legal entity responsible for the debts and liabilities incurred by the licensed establishment.[2]

[*Liquor Control and Licensing Act*, section 16(1)(b) and (c); Liquor Control and Licensing Regulations, section 4; Liquor Control and Licensing Branch Policy]

4.2.2. Individual name change

In the event that the legal name of a person holding interest in a licence changes, the general manager must be notified. The legal name of a person holding interest in a licence may change, whether as: a sole proprietor; partner in a partnership; or an officer, director, or shareholder with a ten per cent or greater interest in a licensee corporation (or holding company). If the change affects the face of the licence, licensing staff will approve and issue an amended licence reflecting these changes in the legal name of the person upon receipt of the necessary documents.

[Liquor Control and Licensing Branch Policy]

4.2.3. Corporation name change

In the event that the legal name of a corporation changes, the general manager must be notified. The legal name of a corporation may change when the corporation or the holding company of which it is a part changes the name under which it operates. Licensing staff will approve and issue an amended licence reflecting these changes in the legal name of a corporation upon receipt of the necessary documents.

[Liquor Control and Licensing Branch Policy]

4.2.4. Notice of internal amalgamation[3]

In the event of an internal amalgamation of companies within a licensee corporation, the general manager must be notified. Upon receipt of the necessary documents, licensing staff will approve and issue an amended licence certificate reflecting the new legal name of the licensee.

[*Liquor Control and Licensing Act*, section19 (1); Liquor Control and Licensing Branch Policy]

4.2.5. Internal share transfer

A corporation may not complete an internal transfer[4] of shares in its capital stock without the prior approval of the general manager. Upon receipt of the necessary documents, licensing staff will approve

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[2] Any change involving a change in the legal entity status of the licensee requires a licence transfer. See related policy in 4.3 Change in Ownership or Sale of a Licensed Establishment.

[3] An internal amalgamation involves the combining of two companies or corporate entities into one but results in no new shareholders – for example, where a licensee corporation and one or more holding companies joins to operate under one name within the licensee corporation. An external amalgamation involves the combining of two companies or corporate entities within one but does result in new shareholders – for example, where an outside corporation is introduced into the licensee corporation along with new shareholders. External amalgamations are treated as a licence transfer (see related policy under Sale of a Licensed Establishment). Approval of these amalgamations do not typically require an assessment of applicant suitability as is true of external amalgamations; however, applicant suitability may be an issue if the amalgamation results in an increase of any company's or shareholder's share percentage to 10% or more.

[4] An internal share transfer is any new assignment of shares within a private company holding a liquor licence (and any holding companies that may be part of a licensee corporation) that does not involve a new shareholder or shareholders. Approval of these transfers do not typically require an assessment of applicant suitability as is true of external share transfers (see related policy under Sale of a Licensed Establishment), however, applicant suitability may be an issue if the internal share transfer results in an increase of any person's share percentage to 10% or more.

the transfer of shares in the name of the licensee.

[*Liquor Control and Licensing Act,* section 19(2); Liquor Control and Licensing Branch Policy]

4.2.6. Change in the officers of a club

Revised June 2008

Immediately after a change occurs in the officers of a club, the club must file a revised list of the top four officers with the general manager. Licensing staff will update the licensee record reflecting the change of officers in the club upon receipt of the revised list. Clubs that are non profit fraternal societies may file a resident manager's application at the same time as the change of table officers at no additional fee. Criminal record history forms for a change in officers are required from the club president and resident manager.

[Liquor Control and Licensing Regulations, section 51(2); Liquor Control and Licensing Branch Policy]

4.2.7. Renewal of licence upon notice of death

In the event of the death of a licensee, the general manager must be notified. Upon receipt of the necessary documents, licensing staff will approve and issue an amended licence with the name of the heir, executor, or successor appended. The general manager may renew the licence with the name of the heir, executor, administrator or successor appended, for a period of one year. By the end of the one-year renewal period, a transfer application and appropriate documentation must be submitted to the branch and the licence transferred into the name of the new owner of the business.

[*Liquor Control and Licensing Act,* section 21(2); Liquor Control and Licensing Branch Policy]

4.2.8. Issue of amended licence upon notice of bankruptcy or receivership

In the event that a licensee declares bankruptcy or the business goes into receivership, the general manager must be notified. Upon receipt of an application and the necessary documents, licensing staff will approve and issue an amended licence with the name of the trustee (bankruptcy) or receiver (receivership) appended. The trustee or receiver may operate the licensed establishment until the business is sold and the branch can complete a transfer of licence ownership.

[*Liquor Control and Licensing Act,* section 21(2); Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 16(1)(b) and (c), 19(1), 19(2), and 21(2); Liquor Control and Licensing Regulations, sections 4 and 51(2); Liquor Control and Licensing Branch Policy.

4.3 Change in Ownership or Sale of a Licensed Establishment

Policy Rationale

The rationale for the way the Liquor Control and Licensing Branch deals with licence transfers and external share transfers is similar to that described earlier in this chapter under Legal Name/Internal Ownership Changes. Since the responsibility for all matters respecting a liquor licence is placed with the licensee personally, any change in the person or persons to whom a licence is issued changes the legal understanding between the licenser and the licensee.

There is one key difference between these two types of changes to a licence. Changes in the licensee's legal name or the composition of ownership within a licensee corporation relate, largely, to changes in the legal identity of the licensee. They are not a change in the person or persons to whom the licence was originally issued.[5] The factors originally considered with respect to applicant suitability are unaffected in such a situation. On the other hand, in ownership changes or the sale of licensed establishments, the factors originally considered with respect to applicant eligibility are affected.

Under section 16(1) (b) and (c) of the *Liquor Control and Licensing Act*, a licence may not be issued, renewed or transferred to a person who "is not the owner of the business ..." or "is not the owner or lessee of the establishment or portion of the establishment to be licensed". Therefore, situations involving new owners or shareholders require the general manager to assess the eligibility of these individuals – just as was done at the time of the original application.

Section 21(1) of the Act further requires that a licence not be "transferred or otherwise dealt in or disposed of without written consent of the general manager". Sub-section (3) of this section goes on to say "a licence is not transferable from one establishment to another or from one area in an establishment to another without written consent of the general manager". Essentially, there are two types of transfers envisioned here that affect the ownership of the licensed establishment[6]: a licence transfer, involving new ownership or new partners in a licensed establishment; and an external share transfer, involving the addition of new individuals or corporations to the ownership mix of the licensed establishment[7].

Section 19(1) of the Act sets out the requirement for directors, officers or employees of a corporation to produce particulars of the officers and shareholders of a corporation at the time they apply for a transfer of ownership – if requested to do so by the general manager. Section 19(2) further requires that the corporation first acquire the general manager's approval before actually transferring the shares in its capital stock.

Similar requirements apply to clubs with liquor primary licences. A liquor licence is granted to a particular organization made up of individuals having a specific aim and objective. Section 24 of the Act specifies that, if a club ceases to exist, the liquor licence is void and a voided licence cannot be transferred.

Finally, under section 17(1) of the Act, a licensee may not allow another person to use their licence unless the general manager approves such an arrangement. So that the sale or lease of a licensed establishment is not held up an unreasonable length of time, the general manager has issued a general policy permitting a new owner to use the previous owner's liquor licence for up to six weeks while the documentation necessary to officially transfer the licence is prepared.

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[5] With respect to the death or bankruptcy of a licensee, the licence amendment reflects the authority of the executor, administrator or trustee in bankruptcy to act temporarily in place of the person to whom the licence was issued. It is not, then, a transfer of the licence to another person.

[6] Another kind of licence transfer, involving a change in the physical position of a licensed establishment, is discussed in the section on Relocation of a Licensed Establishment.

[7] For related discussion and policy on internal share transfers, see the section on Legal Name/Internal Ownership Changes.

Policies

4.3.1. Definitions applicable to a change in ownership or sale of a licensed establishment

For the purpose of policies respecting the change in ownership or sale of a licensed establishment:

- *a licence transfer* involves an assignment of the licence to the new or partially new ownership of a licensed establishment, or to any new partners in a partnership that owns a licensed establishment, and
- *an external share transfer* occurs when a new shareholder has entered the corporate licensee that owns or has an interest in a licensed establishment.[8]
- *a change in legal entity status* involves a change in the person(s), organization, or business legally responsible for the debts and liabilities incurred by the licensed establishment.

[Liquor Control and Licensing Branch Policy]

4.3.2. Licence not transferable without general manager's consent

A licence:

- shall not be transferred or otherwise dealt in or disposed of, and
- is not transferable from one establishment to another or from one area in an establishment to another

without the written consent of the general manager.

[*Liquor Control and Licensing Act*, section 21(1) and (3)]

4.3.3. Corporate transfers of licence or shares

The general manager may require that a corporation:

- if privately owned, provide particulars of the officers and shareholders at the time an application is made to transfer a licence to it, or at other times during the term of the licence, or
- acquire the prior approval of the general manager before transferring shares of its capital stock.

[*Liquor Control and Licensing Act*, section 19(1) and 19(2)]

4.3.4. Applicant eligibility

In all licence transfers, external share transfers, and changes in legal entity status requiring a licence transfer, the general manager may assess the eligibility of the transfer applicant in the same manner as is done at the time of a new application for a licence.

[*Liquor Control and Licensing Act*, section 16(1); Liquor Control and Licensing Branch Policy]

4.3.5. Addition or deletion of partners

The addition or deletion of partners to a partnership is treated as a licence transfer[9], and is subject to the general manager's approval. This may occur when a new partner joins the partnership, a partner dies, a partner wishes to withdraw, or there are any other changes in the makeup of the partnership. All new partners added to a partnership licensee are subject to an applicant eligibility assessment.

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[8] For discussion and policy on internal share transfers, see section 4.2 Legal Name/Internal Ownership Changes.

[9] A partnership dissolves when the partnership is either increased or reduced in number, and the legal entity status of a partnership changes as a result. A licensee is required to apply for a licence transfer when this occurs, or in the event of any other change to the legal entity status of their business.

[*Liquor Control and Licensing Act*, section 16(1); Liquor Control and Licensing Act Regulations, section 4(1); Liquor Control and Licensing Branch Policy]

4.3.6. Addition or deletion of shareholders

The addition or deletion of shareholders is treated as an external share transfer, and is subject to the general manager's approval. All shareholders added to a corporate licensee, holding 10% or greater interest in the licence, are subject to an applicant eligibility assessment.

[*Liquor Control and Licensing Act*, section 16(1); Liquor Control and Licensing Act Regulations, section 4(1); Liquor Control and Licensing Branch Policy]

4.3.7. Licence and external share transfers involving licensees of another licensed establishment

In licence or external share transfer applications where the new owners or shareholders are currently the licensees of another licensed establishment, have previously had an association with a licensee, or held a licence, the general manager may undertake a review to:

- ensure compliance with existing legislation and policy, and
- identify any term or condition of the licence that is not transferable to the new owners or shareholders.

[*Liquor Control and Licensing Act*, section 16(1); Liquor Control and Licensing Branch Policy]

4.3.8. Club licences not transferable

A liquor primary club licence may not be transferred under any circumstances. A licence will be considered void when the club ceases to exist or when the membership dissolves the organization or returns its charter.

[*Liquor Control and Licensing Act*, sections 21(1) and 24; Liquor Control and Licensing Branch Policy]

4.3.9. Temporary permission to use a licence pending a transfer

When a licensed establishment is sold in whole or in part, whether by sale of assets or sale of shares, the general manager may permit the new owner to use the previous owner's liquor licence for up to six weeks while the new owner assembles the documents required to meet branch requirements for the transfer of ownership. The general manager will not approve a licence transfer if the new owner or shareholder has been previously found not to be "fit and proper" to hold a liquor licence.

[*Liquor Control and Licensing Act*, sections 16(1)(a) and 17(1); Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 16(1), 17(1), 19(1), 19(2), 21(1), 21(3), and 24; Liquor Control and Licensing Act Regulations, section 4(1); Liquor Control and Licensing Branch Policy.

4.4 Relocation of a Licensed Establishment

Policy Rationale

As becomes evident through the licence application process, there are three key requirements in the granting of a liquor licence: the personal suitability of the applicant, the suitability of the site for the

proposed establishment, and the design and construction of the licensed establishment.[10] If any of these things change significantly after the licence has been granted, the factors considered at the time of the original application must be re-considered. Several of the earlier sections in this chapter refer to changes in the "person", largely through a change in the ownership of an establishment. A relocation, on the other hand, is a change in the establishment – if only in the physical situation of the establishment and not its character.

Section 21(3) of the *Liquor Control and Licensing Act* specifies that "a licence is not transferable from one establishment to another or from one area in an establishment to another without written consent of the general manager". This section indicates, then, that there are two types of relocation: a relocation to a new address, and a relocation at the same address. The first of these, relocation to a new address, draws into consideration the same broad range of site and community assessment criteria considered at the time of an original application. Under section 16(3) of the Act, "a licence shall not be ... transferred ... where, in the general manager's opinion, it would be contrary to the public interest". For this reason, then, and so that all the relevant information is provided and fully explored, the process for notifying and acquiring a resolution from the local government or First Nation will be followed when assessing an application for relocation.

If, however, the relocation to a new address is unlikely to change the site and community assessment factors – for instance, the relocation is within close proximity to the existing location – the general manager may consent to the existing licence being transferred to the establishment at the new location. Of course, this consent still depends on the approval of the plans for the licensed area in the new building, an assessment of any local concerns about the relocation, and any other relevant factors the general manager may consider to be important.

The second type of relocation, relocation at the same address, is treated as a structural alteration[11]. This is because a change of this sort generally does not impact on the assessment criteria applied at the time of the original application. Instead, the relevant factors relate to whether the physical dimensions and layout of the relocated establishment help or hinder staff in effectively managing the licensed area. Consent of the general manager for this kind of relocation, therefore, is based on the same type of information that is provided for approval requests for structural alterations.

Policies

4.4.1. Licence for a re-locating establishment not transferable without general manager's consent

A licence is not transferable to an establishment that has been relocated to a new address, or to an establishment or licensed area within an establishment that has been relocated at the same address, without the written consent of the general manager.

[*Liquor Control and Licensing Act,* section 21(3); Liquor Control and Licensing Branch Policy]

4.4.2. Definition of relocation

For the purposes of policy 4.4.1, the relocation of a licensed establishment may be defined as:

- *relocation to a new address* - any change in the legal description or the civic address of the premises to which a liquor licence has been granted, or
- *relocation at the same address* - any change in the location of the premises or the licensed area within the premises at the same legal description or civic address to which a liquor licence has been granted.

[Liquor Control and Licensing Branch Policy]

[10] For a fuller discussion of these requirements, see the chapter on Licensing Process.
[11] See related policies under Structural Alterations in the chapter on Premises.

4.4.3. Relocation to a new address

Before consenting to the transfer of a licence for an establishment relocating to a new address, the general manager may consider whether factors pertinent to the site and community assessment are affected by the relocation.[12] Where these factors may be affected, the licensee will be asked to submit the transfer application to a new site and community assessment. Once the application has passed the assessment, or in an application where the relevant site and community factors are not affected, the general manager may give written consent to the transfer of the licence if:

Revised February 2008

- the plans for the establishment at the new address are approved
- the applicant retains a valid interest in the currently licensed site until the application receives site and community assessment approval or the equivalent
- the applicant retains a valid interest in the currently licensed site
- if for a liquor primary establishment, winery lounge, or winery special event area, the views of the local government or First Nation, obtained by way of a resolution, support the relocation[13], and
- any other relevant factors are satisfactorily addressed.

[*Liquor Control and Licensing Act*, sections 16(3) and 21(3); Liquor Control and Licensing Branch Policy]

4.4.4. Relocation at the same address

Before consenting to the transfer of a licence for an establishment or the licensed area of an establishment relocating at the same address, the general manager may consider the same factors as are considered in a request for structural alteration.[14]

Revised July 2007

If the establishment is a Licensee Retail Store, the general manager may consider the same factors as are considered in a request for structural alteration only when the relocation is within the existing building or is attached to or abutting the existing building. All other relocations for Licensee Retail Store establishments at the same address are subject to policy 4.4.5 below.

[*Liquor Control and Licensing Act*, sections 6(c), 20(1)(e), and 21(3); Liquor Control and Licensing Regulations, section 7; Liquor Control and Licensing Branch Policy]

4.4.5. Relocation of a licensee retail store

Revised July 2006

Licensee Retail Store (LRS) licensees may apply to relocate their store to another location in the same local government jurisdiction, or to a location outside the local government jurisdiction that is within five kilometres of the associated liquor primary establishment.

Applications to relocate a LRS made on or after May 14, 2004 will not be approved by the general manager if the proposed site is within 0.5 km of an existing LRS or the site of an LRS application in progress. Applications to relocate made prior to this date are not subject to this policy. Licensees with relocation applications currently in progress who decide to seek a different location for their LRS will be required to apply for a new LRS location or revert to the location of their original LRS application. If they choose to apply for a new location, the relocation application will be subject to the distance criterion of 0.5 km.

Notwithstanding the above, the conditions under which the general manager may approve the relocation of an LRS to a location within 0.5 km of another LRS include but are not limited to the following circumstances:

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[12] Site and community assessment factors include those factors relating to community characteristics and impact and to local government/First Nations input, as itemized in the policies under Site and Community Assessment in the chapter on Licensing Process.

[13] The general manager may stipulate the format of the local government resolution.

[14] See section 6.2.3 Structural Alterations in the chapter on Premises.

- Where it would not be contrary to the public interest, e.g. a store loses their leased location due to circumstances beyond their control and the only reasonable location is within 0.5 km of another store; or
- Where there is a large natural or artificial barrier between the stores, e.g. a river or divided highway.

Revised July 2007

LRS licensees and applicants are permitted a maximum of two relocation applications without licensing unless otherwise approved by the general manager. Licensees may request an exercise of discretion if they have already had two or more relocation applications. The general manager, in considering whether or not to approve a third application for relocation, will consider information relating to the current and previous relocation applications.

[Liquor Control and Licensing Regulations, section 14(3) and 14(5) and Liquor Control and Licensing Branch Policy]

4.4.6. Relocation of a liquor primary establishment

The general manager may approve an application to relocate a liquor primary establishment provided the proposed new location:

- is within the same community as the existing establishment; and
- is within a reasonably close distance from the existing establishment

and meets site and community assessment requirements in policy 4.4.3.

A community is not necessarily synonymous with the same local government or First Nation jurisdiction. In general, to meet the requirement of "same community," the relocation will be within the publicly recognized area in which the establishment is already located (e.g. the commercial core of a town or within a residential neighbourhood).

In determining whether the proposed location is within a "reasonably close distance", the general manager will consider whether the location is within comfortable walking distance from the existing establishment.

[Liquor Control and Licensing Regulations, section 8(4) and Liquor Control and Licensing Branch Policy]

Revised July 2007

Authority References

Liquor Control and Licensing Act, sections 6(c), 16(3), 20(1)(e) and 21(3); Liquor Control and Licensing Regulations, sections 7, 8(4) and 14(5); Liquor Control; Licensing Branch Policy.

4.5 Valid Interest in an Establishment

Policy Rationale

Public interest concerns that liquor licence applications are dealt with through a fair and transparent process, and considerations of applicant suitability, are the roots of the policies governing valid interest in an establishment.

As discussed in the earlier sections "Legal Name/Internal Ownership Changes" and "Change in Ownership or Sale of a Licensed Establishment", a liquor licence is linked both to the licensee personally and to the establishment physically. Section 16(1)(b) of the *Liquor Control and Licensing Act* requires, as one feature of applicant suitability, that the applicant be the owner of the business carried on at the establishment for which the licence is sought. In addition to requiring ownership of the business, section

16(1)(c) of the Act requires that the applicant have a valid interest in the establishment, by prohibiting the granting of a licence to a person who is not either the owner or the lessee of the establishment. Section 4(1) of the Liquor Control and Licensing Regulations further clarifies that the person must be either the owner of the establishment or hold a 12-month lease for it.

In other words, a liquor licence applicant must be both the owner of the business and the owner or lessee of the establishment at which the business is carried on. Together, these two elements constitute valid interest in an establishment.

Under sections 17(1) and (2) of the Act, another person must not use a licence without the general manager's approval. The general manager has approved lease or management arrangements with third parties, typically in recognition of the complexities of management in large, multi-use facilities such as hotel resorts, stadiums, recreation centres, or wineries. In any event, the statutory requirements that the licensee both own the business and own/lease the property must be met.

The following policies focus on the requirement to provide documentary evidence of valid interest in the property and on the process and documentation required for approval of a lease or management contract with third parties.

Policies

4.5.1. Establishment ownership or leasehold

A licence shall not be issued, renewed or transferred to a person who, in the general manager's opinion, is not the owner or lessee of the establishment or portion of the establishment to be licensed. Prior to issuing, renewing or transferring a licence, the general manager may require that appropriate documents be provided as evidence of:

- ownership of the establishment, or
- a lease that does not expire for at least twelve (12) months after the date of issue or transfer of the licence.

Valid interest in a property may include percentage rent or profit sharing agreements within a lease, sub-lease or assignment of lease.

Loss of valid interest in the establishment is reason for the general manager to consider cancelling the licence.

[*Liquor Control and Licensing Act,* section 16(1)(c); Liquor Control and Licensing Regulations, sections 4(1) and 4(2); Liquor Control and Licensing Branch Policy]

4.5.2. Disputes regarding the validity of a lease

In the event of a dispute between a lessor and lessee as to the continuing validity of a lease, the general manager will require the disputing parties to obtain a court order to determine whether the lease is null and void despite the terms on the face of the lease.

[Liquor Control and Licensing Branch Policy]

4.5.3. Documents in the name of the licensee

Evidence of valid interest in the property as specified in policy 4.5.1 will be in exactly the same name as the person(s) or corporation to whom the licence has been or will be issued.

[Liquor Control and Licensing Branch Policy]

4.5.4. Proof of valid interest in property during licensing process

Prior to licensing, the general manager may require an applicant to demonstrate valid and continuing interest in the property at each approval stage of the licensing process.

[Liquor Control and Licensing Branch Policy]

4.5.5. Management contracts with third parties

A licensee shall not allow another person to use his licence without having first obtained the written approval of the general manager. The general manager may approve a management contract for the operation of:

- liquor primary establishments, other than liquor primary clubs
- food primary establishments,
- licensed winery lounges, special event areas, picnic, or tour areas, or
- licensee retail stores

provided the terms and conditions of the licence are met and provided the licensee continues to be accountable for the overall operation of the facility of which the licensed area is a part.

[*Liquor Control and Licensing Act*, section 17(1) and (2); Liquor Control and Licensing Regulations, section 4(1); Liquor Control and Licensing Branch Policy]

4.5.6. Status of a licensee retail store licence dependent upon status of associated liquor primary establishment

In the event that the associated liquor primary establishment no longer meets the criteria for licensing or ceases to operate the associated LRS licence will be cancelled.

Revised July 2006

A liquor-primary licence that is associated with an LRS must be of a sufficient capacity to warrant a standalone liquor-primary operation, to be open to the public for a reasonable number of hours and days per week, and to maintain a viable business in general.

Revised July 2007

The general manager may take action against a liquor primary licensee due to the suspension or cancellation of a municipally, regionally, provincially or federally granted licence, permit or certificate that the licensee is required to hold in order to operate the licensed establishment. If the general manager suspends a liquor primary licence, the licensee has 30 days in order to provide evidence that they have acquired the necessary licence, permit or certificate to bring their licence out of suspension. If the liquor primary licence is still in suspension after 30 days, the associated LRS licence will be suspended for the same period as the liquor primary licence.

If the general manager cancels a liquor primary licence, the associated LRS will be cancelled at the same time.

[Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 16(1)(c), 17(1), and 17(2); Liquor Control and Licensing Regulations, sections 4(1) and 4(2); Liquor Control and Licensing Branch Policy.

4.6. Dormant Liquor Primary Licences

Policy Rationale

Revised July 2006

With the exception of a liquor-primary licence associated with a licensee retail store[15], there are no minimum use requirements for liquor licences. Consequently, licensees may continue to hold liquor licences even if their establishments cease operation for reasons such as fire damage or financial difficulty. These inactive licences are referred to as "dormant liquor licences".

[15] See Policy 4.5.6 "Status of a licensee retail store licence dependent upon status of associated liquor primary establishment" in 4.5 Valid Interest in an Establishment

Although dormant liquor licences remain subject to the same legislative and policy requirements as active licences, there are potential negative impacts associated with dormant liquor primary establishments. For example, since the regulations require that consideration be given to the number and density of existing liquor primary licensed establishments when deciding whether to approve a liquor primary licence for a particular location, the existence of a dormant licence could contribute to the denial of a new licence application. Additionally, dormant establishments may reopen in areas that experienced a change in community standards during the dormancy, resulting in complaints from residents who did not know or had forgotten that the establishment was in their neighbourhood.

The identification and monitoring of dormant liquor primary licences therefore assists in meeting the general manager's statutory obligations to consider the public interest when renewing liquor licences under section 16(3) of the *Liquor Control and Licensing Act*, and to supervise all licensed establishments in the province under section 6(3) of the Act.

Policy

4.6.1. Definition of dormant licence and application of policy

Dormant licence means a liquor licence held by an establishment (other than a seasonally-operated establishment) which is closed all or most of the time, and which may or may not reopen for business in the future. Policies directing that these establishments be reported and monitored will apply only in respect of liquor primary licensed establishments.

[Liquor Control and Licensing Branch Policy]

4.6.2. Compliance with the Act, regulations, and terms and conditions of the licence

If an establishment ceases operation but continues to hold a liquor licence, it must continue to comply with the *Liquor Control and Licensing Act* and regulations, and the terms and conditions of that licence. The establishment cannot operate as another business during the time the licence is dormant. When a dormant licence is suspected, a compliance and enforcement officer will verify that the establishment is closed and determine if it is in compliance with the Act, regulations, and terms and conditions of its licence.

[*Liquor Control and Licensing Act*, sections 16(1)(d) and 20(1)(a)]

4.6.3. Reporting and monitoring dormant licences

Revised July 2006

Compliance and enforcement officers will report all dormant liquor primary licences to the Licensing Division. Once verified, all dormant licences will be assigned a "dormant" status on the branch database. Should an establishment again re-open or show signs of regular business activity, compliance and enforcement officers will notify the Licensing Division of changes to the dormant status of the establishment.

[Liquor Control and Licensing Branch Policy]

4.6.4. Dormant Liquor-Primary Establishments with a Licensee Retail Store licence

A liquor primary licensee whose establishment is dormant is subject to the following policies with regard to their licensee retail store (LRS) licence.

When an LRS is already licensed but the associated liquor primary licence is dormant due to major renovations, and/or catastrophic event, the liquor primary licensee has twelve (12) months from the date their liquor primary licence is placed in dormant status to provide evidence that their liquor primary is open for business.

The liquor primary licensee may request an extension of time by writing to the general manager. The general manager will consider the request, provided

- the request is reasonable
- the delays giving rise to the request are beyond the applicant's control, and
- where a third party is responsible for the delay, a letter from the third party outlining the current status and schedule for completion should accompany the request for extension.

The onus for obtaining an extension is on the applicant. The extension request must be received by LCLB at least thirty (30) days prior to the expiry of the twelve (12) month approval period. The LRS licence will be suspended at the end of the twelve-month period if an extension has not been approved. Once an LRS licence is suspended under these circumstances, it will remain suspended as long as the liquor primary licence remains dormant. If the liquor primary licence is subsequently cancelled, the LRS licence will be cancelled.

[Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 16(1)(d) and 20(1)(a); Liquor Control and Licensing Branch Policy.

4.6.5. Dormant Liquor-Primary Establishments with a Licensee Retail Store licence where the Liquor-Primary is relocating from their existing site

A liquor primary establishment that chooses to relocate from their existing site may be considered to be dormant and the associated LRS may continue to operate subject to the following conditions:

- The liquor primary must continue to be open and operating at the existing site until the Branch receives an application for relocation and confirms that the relocation site meets the regulatory criteria of being within a reasonably close distance and in the same community as the existing establishment.
- The Branch will put the liquor-primary into dormant status once it has confirmed the new site meets the relocation criteria.
- The licensee must retain valid interest at both the current and proposed site until the relocation application receives site and community assessment approval or the equivalent.

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- If the relocation site is not approved during the site and community assessment stage, the relocation application will be terminated and the LRS licence suspended, until the licensee can open and operate the existing liquor-primary or until they receive site and community assessment approval at another site.

Relocation applications will proceed under the timelines established for other liquor primary applications. Following site and community assessment approval, licensees have six (6) months to have floor plans approved and to receive approval in principle.

The liquor primary licensee may request an extension of time by writing to the general manager. The general manager will consider the request, provided:

- the request is reasonable,
- the delays giving rise to the request are beyond the applicant's control,
- where a third party is responsible for the delay, a letter from the third party outlining the current status and schedule for completion should accompany the request for extension, and
- there have been no significant changes in the characteristics of or impacts on the community in the intervening time period.

The onus for obtaining an extension is on the applicant. The extension request must be received at least thirty (30) days prior to the expiry of the six (6) month period. The relocation application will be

terminated and the LRS cancelled at the end of the six-month period if an extension has not been approved.

Following approval in principle, licensees have twelve (12) months to construct, have the final inspection, and complete the licensing process.

The liquor primary licensee may request an extension of time by writing to the general manager. The general manager will consider the request, provided:

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- the request is reasonable,
- the delays giving rise to the request are beyond the applicant's control,
- where a third party is responsible for the delay, a letter from the third party outlining the current status and schedule for completion should accompany the request for extension, and
- there have been no significant changes in the characteristics of or impacts on the community in the intervening time period.

The onus for obtaining an extension is on the applicant. The extension request must be received at least thirty (30) days prior to the expiry of the twelve (12) month period. The relocation application will be terminated and the LRS cancelled at the end of the twelve-month period if an extension has not been approved.

[Liquor Control and Licensing Regulations, section 8(4) and Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 16(1)(d) and 20(1)(a); Liquor Control and Licensing Regulations, section 8(4); Liquor Control and Licensing Branch Policy.

SECTION 5: Hours of Operation

5.0 Introduction

The hours during which a licensed establishment can sell or serve liquor is a key consideration at the time of licensing and later, as a condition of licensing, it continues to be monitored as long as the licence is in effect. In addition to the specific details about hours of sale, discussion of this topic also provides a particularly good illustration of the site and community assessment factors the general manager and local government or First Nations must consider in exercising discretion.

This chapter includes the following sections:

- Hours of Sale
- Special Events, and
- Alternate Use.

5.1 Hours of Sale

Policy Rationale

The hours during which a licensed establishment is open for the sale of liquor is one of the factors having a significant impact on the surrounding residents and businesses in a community. For this reason, particular attention is paid to hours of sale both in the legislation guiding liquor licensing and in the way the general manager exercises discretion in this area.

The hours of sale for liquor primary establishments, food primary establishments, and licensee retail stores are set by regulation in sections 9(b), 11(2)(c), and 14(1)(b) of the Liquor Control and Licensing Regulations.[1] The hours of sale for winery lounge and special event areas endorsements are set by regulation in section 18(3) and winery picnic and tour area endorsements by section 18.1(8). Each of the applicable provisions contains the words "subject to limitation by the general manager". Additionally, under section 12(3)(c) of the Liquor Control and Licensing Act, the general manager has the authority to impose terms and conditions that "limit the days and hours that an establishment is permitted to be open for the sale of liquor" if such limitations are in the public interest. The operative word in both sections 12(3)(c) of the Act and the relevant sections of the regulations is "limit" – the general manager may limit, but not expand the number of hours during which an establishment may sell liquor beyond that specified in the regulations.

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Under section 12(2) of the Liquor Control and Licensing Act the general manager has the authority to impose terms and conditions that are in the public interest on any licence. It is under this authority that the general manager may establish minimum operating requirements for a specific category of licence[2].

Other important words in section 12 of the Act are contained in the phrase "in the public interest" – the terms and conditions imposed by the general manager must be done in light of the pertinent public interest considerations. Section 53(4) of the regulations sets out three specific public interest criteria a local government or First Nation must take into account in providing comments to the general manager in respect of an application to extend the hours of a licensed establishment. These are: the potential for noise if the application is approved; the impact on the community if the application is approved; and, if in

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[1] See table entitled 'Hours of Sale by Licence and Establishment Type' for the duration and maximum hours of sale applying to each licence class and type of establishment, the specific reference in the regulations, and any restrictions set by the general manager.

[2] See Policy 4.5.6 "Status of a licensee retail store licence dependent upon status of associated liquor primary establishment" in 4.5 Valid Interest in an Establishment.

relation to a food primary establishment, whether the hours of liquor service may result in the establishment being operated in a manner that is inconsistent with an establishment primarily engaged in the service of food. Additionally, there is a range of other public interest factors established by branch policy that the general manager may also consider.[3]

For the most part, the considerations here are the same as those relating to community characteristics and impact examined during the initial licensing process.[4] It is through consideration of these factors, therefore, that the unique circumstances of the individual case can be accommodated and the best "fit" found between the licensed establishment and the community in which it conducts its business.

The policies below stipulate both the nature of these public interest considerations and the general authority guiding the days and hours of sale for licensed establishments. Additionally, there are policies setting out the requirements for temporarily or permanently changing opening or closing hours. The table "Hours of Sale by Licence and Establishment Type" at the end of this section shows the hours of sale and any general manager's limitations for a specific category of licence or type of establishment. The table outlines policy as it is generally applied; however, application may vary depending on the individual circumstances of each licence.

Policies

5.1.1. General conditions in setting the hours of sale

Subject to a limitation by the general manager in the licence, the days and hours an establishment is permitted to be open for the sale of liquor shall be those established by regulation.[5]

[*Liquor Control and Licensing Act*, section 12(3)(c); Liquor Control and Licensing Regulations, sections 9(b), 11(2)(c), 14(1)(b), 18(3), and 18.1(8)]

5.1.2. Factors considered in the public interest in setting the hours of sale

The general manager may impose, in the public interest, terms and conditions that may limit the days and hours an establishment is permitted to be open for the sale of liquor. In determining the days and hours of liquor service, for new and existing licences, the factors considered will include those considered by a local government or First Nation in relation to a licence amendment respecting hours of liquor service[6] as follows:

- the potential for noise if the application is approved
- the impact on the community if the application is approved, and
- if a food primary establishment, whether the amendment concerning the hours of liquor service may result in the establishment being operated in a manner that is contrary to its primary purpose and, therefore, inconsistent with an establishment primarily engaged in the service of food.
- Additional factors that may be considered in the public interest include:
- location of the licensed establishment
- hours of operation applying to nearby licensed establishments
- ability of the police to supervise the establishment, particularly at closing time
- availability of public transit options, such as taxies and buses
- licensee's compliance history, and
- establishment's history of compliance.

[3] See policy 5.1.2, below.
[4] For a fuller discussion of the principles that guide the general manager's decision making in the public interest, see the section on Operating Environment in the General Information chapter and later in the chapter on Licensing Process.
[5] See table entitled 'Hours of Sale by Licence and Establishment Type' for the duration and maximum hours of sale applying to each licence class and type of establishment, the specific reference in the regulations, and any restrictions set by the general manager.
[6] See related policies under 3.5 Licence Amendments in chapter 3, Licensing Process.

- [*Liquor Control and Licensing Act*, section 12(3)(c); Liquor Control and Licensing Regulations, section 53(4); Liquor Control and Licensing Branch Policy]

5.1.3. Application of licence amendment policy in temporary or permanent changes to opening or closing hours

Both temporary and permanent changes to opening or closing hours require an amendment to a liquor licence. An application for a change involving:

- an extension of hours of liquor service at a liquor primary, liquor primary club, or winery lounge or special event area, or
- hours of liquor service at food primary establishment ending after 12:00 a.m.

will comply with the regulations and policy for notifying and considering comments from a local government or First Nation, as specified for a licence amendment.[7]

[Liquor Control and Licensing Regulations, section 53.]

5.1.4. Temporary and permanent changes to opening or closing hours[8]

On application by the licensee, and in consideration of policies 5.1.1 through 5.1.3, the general manager may either temporarily or permanently amend the term and condition of a licence respecting hours of sale in order to:

- increase or change the hours of sale to a later closing time,
- increase or change the hours of sale to an earlier opening time, or
- set different hours of sale on different days of the week.

[*Liquor Control and Licensing Act*, section 12(3)(c); Liquor Control and Licensing Branch Policy]

5.1.5. Expiration of approval for temporary change in hours of sale

Temporary changes in the hours of sale are limited to a twelve (12) month or lesser period. At the expiration of this time period, or at any time prior to this date if the general manager considers it to be in the public interest, the hours of sale will revert back to those that applied prior to the change. Prior to or on the expiration of the time period during which the temporary change is in effect, a licensee may apply for a permanent change in the hours of sale.

Two or more consecutive temporary changes may be considered, provided the term is a reasonable time period in which to assess the impact of the change[9], and provided the total time in which the temporary changes in hours are in effect does not exceed twelve months.

[*Liquor Control and Licensing Act*, section 12(3)(c); Liquor Control and Licensing Branch Policy]

5.1.6. Variation of hours in areas specified by a local government or First Nation

At the request of a local government or First Nation, and in consideration of the relevant public interest factors in policy 5.1.2, the general manager may vary the days and hours establishments are permitted to be open for the sale of liquor throughout an area specified by the local government or First Nation.

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If a local government or First Nation chooses to pass a by-law requiring all licensed establishments in a particular area to close at a time earlier than the time provided for on their liquor licences, the general manager may amend the terms and conditions of the liquor licences to be consistent with the requirements of the city by-law.

[7] See applicable policies in 3.5 Licence Amendments.
[8] See related policy for temporary changes to opening or closing hours under Special Events in this chapter.
[9] For example, a series of one-month extensions would not be considered.

In order for the general manager to consider the request of a local government or First Nation to reduce the hours establishments are permitted to be open for the sale of liquor, the local government or First Nation must ensure the following:

- Hours will only be rolled back to 2:00 a.m. and no earlier. Local governments or First Nations who choose to roll hours back to earlier than 2:00 a.m. will be responsible for enforcement of the earlier closing times.
- Prior to passing a by-law amending hours, local governments or First Nations must provide affected licensees with an opportunity to make submissions.

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If the general manager is satisfied that local government has provided licensees with an opportunity for input and has amended its bylaws accordingly, the general manager will write to the affected licensees and advise them that the hours on the liquor licence will be changed within 30 days to be consistent with the local government or First Nation by-law.
[*Liquor Control and Licensing Act,* section 12(3)(c); Liquor Control and Licensing Branch Policy]

5.1.7. Hours of operation on the night of a time change

On the night of a time change (i.e., the first Sunday in April and the last Sunday in October) a licensee must wait to change clocks forward or back until after the normal business day has ended. Specifically, a liquor-primary licensee and a winery lounge or special event area licensee must adjust their clocks after the close of business when all patrons have cleared the establishment. A food-primary licensee must not adjust their clocks until after liquor service has ended for the day and liquor has been removed from all patrons' tables.

[Liquor Control and Licensing Regulations, section 44(5); Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, section 12(3)(c); Liquor Control and Licensing Regulations, sections 9(b), 11(2)(c), 14(1)(b), 18(3), 18.1(8), 44(5) and 53; Liquor Control and Licensing Branch Policy.

Hours of Sale by Licence and Establishment Type

Licence and Establishment Type	Hours of Sale
Liquor Primary and Liquor Primary Club Establishments	
General Conditions:	– hours between 9 a.m. and 4 a.m. of the next day [regulation section 9(b)] – the establishment must be cleared of patrons within one-half hour after the time stated on the licence for the hours of liquor service [Regulation section 44(1)(a)] – If associated with an LRS must be open to the public for a reasonable number of hours and days per week.
Food Primary Establishments	
• **All Establishments**	
General Conditions:	– hours between 9 a.m. and 4 a.m. of the next day [regulation section 11(2)(c)] – liquor must be taken from patrons within ½ hour after the time stated on the licence for the hours of liquor service, unless the liquor is an unfinished bottle of wine that is sealed by the licensee for the patron [regulation section 44(1)(b)]
Limitations set by General Manager:	– hours of sale limited to 12:00 midnight closing unless the licensee applies for and acquires a licence amendment, following appropriate local government/First Nation input as established by regulation and branch policy
Licencee Retail Store Establishments	
• **All Establishments**	
General Conditions:	– between 9:00 a.m. and 11:00 p.m. [regulation section 14(1)(b)]
Winery Lounges and Special Event Areas	
• **All Establishments**	
General Conditions:	– hours between 9 a.m. and 4 a.m. of the next day [regulation section 18(3)]
Winery Tour and Picnic Areas	
• **All Establishments**	
General Conditions:	– hours between 9 a.m. and dusk dusk is defined as the period immediately following sunset [regulation section 18.1(8)]

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5.2 Special Events

Policy Rationale

As mentioned in the previous section, the hours of sale for a licensed establishment are specifically set by regulation, and any limitations imposed by the general manager on these hours are expressed as a term and condition of a licence. Under normal circumstances, the hours of sale are fixed for as long as the licensed establishment is in operation. For special circumstances or events, however, the general manager may exercise some discretion in this area.

One example of this is the policy to permit a licensed establishment to "... have extended hours of sale on December 31 until 4:00 a.m. on January 1, on the condition that food is available to patrons".[10] Establishments not providing food must close their liquor service at the usual closing hour stated on their licence.

Staff parties may also be an occasion on which licensees will want to have extended hours of operation. The policy below confirms that, provided a licensee can comply with the regular terms and conditions of their licence — and can keep within their regular hours of operation — for the duration of the party, a staff party may be held in the licensed establishment without any special arrangements or permission to do so. Licensees are reminded, however, that staff may not drink alcoholic beverages while on duty.

On the other hand, if the licence terms and conditions cannot be complied with during the staff party, the licensee must apply for a temporary suspension of the licence. During the time specified for a staff party, the liquor licence is effectively suspended under the authority provided in section 23(1) of the Act. In its place, a private special occasion licence, taken out by the licensee, is in effect for the duration of the party.

A licensee may also apply to the branch for a temporary suspension of the licence to hold a public or private special event hosted by the licensee or someone else. In either situation, a suspension for a food primary may be for less than 24 hours while a suspension for a liquor primary must be for a 24-hour period. The terms and conditions for events held in a licensed establishment are discussed in the policies below. Comprehensive information on special occasion licences is contained in the Liquor Control and Licensing Branch Special Occasion Licence Policy Manual.

Policies

5.2.1. Extension of hours on New Year's Eve

A licensed establishment may have extended hours of sale on December 31 until 4:00 a.m. on January 1, regardless of normal closing hour, (on the condition that food is available to patrons) [11], unless the general manager has directed otherwise, or local bylaws prohibit it.

[*Liquor Control and Licensing Act*, section 12(3)(c); Liquor Control and Licensing Branch Policy]

5.2.2. Conditions for staff parties

A licensee may hold a staff party in their licensed establishment, provided they can comply with the regulations, terms, and conditions of their licence for the duration of the party. If the regulations, terms, and conditions of the licence cannot be complied with, the licensee must apply for the temporary suspension of their licence and obtain a special occasion licence to hold the party.

It is a condition of a liquor licence that staff may not drink alcoholic beverages while on duty, whether during the regular operation of an establishment or in the course of a staff party.

[*Liquor Control and Licensing Act*, section 12(3); Liquor Control and Licensing Branch Policy]

[10] See related policy under Pricing in the chapter on Liquor Service and Sales.
[11] See related policy about food and liquor service requirements on New Year's Eve under Pricing in the chapter on Liquor Service and Sales.

5.2.3. Temporary suspension of a licence for staff party

Upon the written request of a licensee, the Liquor Control and Licensing Branch or, in the case of a food primary establishment, a compliance and enforcement officer may temporarily suspend a liquor licence for the purpose of holding a staff party within the licensed establishment. Prior to holding a staff party within the licensed area of the establishment, the licensee must apply for and obtain a private special occasion licence to be in effect for the duration of the party, which may go no later than 2:00 a.m.[12]

[*Liquor Control and Licensing Act,* sections 6 and 23(1); Liquor Control and Licensing Branch Policy]

5.2.4. Temporary suspension of a food primary licence for a special event

Upon the written request of a licensee, the local compliance and enforcement officer may temporarily suspend a food primary licence for the purpose of holding a public or private special event within the licensed establishment. Prior to holding the event, the host (either the licensee or another party) must apply for and obtain a special occasion licence to be in effect for the duration of the event. The following terms and conditions apply to these special events:

- the special event is temporary and only occasional
- the licence may be suspended for a period less than 24 hours
- if the establishment has more than one area, the licence may be suspended for a specified area of the establishment provided there are physical barriers to prevent patrons and liquor moving between the two areas
- there is at least one hour between the special occasion licensed event and the operation of the permanent licence in which no patrons are permitted within the suspended area of the establishment
- the liquor of the food primary licensee is secure and inaccessible to any patrons in the establishment consuming liquor under a special occasion licensed event, and
- all liquor served at the event must be purchased separately under the special occasion licence, not taken from the licensee's existing stock.

[*Liquor Control and Licensing Act,* sections 6 and 23(1); Liquor Control and Licensing Branch Policy]

5.2.5. Temporary suspension of a liquor primary licence for a special event

Upon the written request of a licensee, the Liquor Control and Licensing Branch headquarters may temporarily suspend a liquor primary licence for the purpose of holding a public or private special event within the licensed establishment. Prior to holding the event, the host (either the licensee or another party) must apply for and obtain a special occasion licence to be in effect for the duration of the event. The following terms and conditions apply to these special events:

- the special event is temporary and only occasional
- the licence will be suspended for one or more 24-hour period(s)
- if the establishment has more than one area, the licence may be suspended for a specified area of the establishment provided there are physical barriers to prevent patrons and liquor moving between the two areas
- the liquor of the liquor primary licensee is secure and inaccessible to any patrons in the establishment consuming liquor under a special occasion licensed event, and
- all liquor served at the event must be purchased separately under the special occasion licence, not taken from the licensee's existing stock.

[*Liquor Control and Licensing Act,* sections 6 and 23(1); Liquor Control and Licensing Branch Policy]

[12] Special Occasion Licences are issued by a liquor store manager or other person authorized by the general manager. Refer to the *Special Occasion Licence Policy Manual for detailed policies.* An SOL licence may be extended past 2:00 a.m. provided the application is supported by the police and the local government or First Nation and approved by the Liquor Control and Licensing Branch.

Authority References

Liquor Control and Licensing Act, sections 6, 12(3), 12(3)(c), and 23(1); Liquor Control and Licensing Branch Policy.

5.3 Alternate Use

Policy Rationale

In the policies below, the "alternate use" of a licensed establishment has been defined as "... a situation in which a licensee permits patrons to enter their licensed establishment for unlicensed events or activities during the hours when liquor service is not allowed under the licence or when the licence is temporarily suspended".

Policies governing alternate use are directly related to the duty of the general manager, under section 6 of the *Liquor Control and Licensing Act*, to "supervise the conduct and operation of a licensed establishment." Liquor licences, and any specific conditions attached to a licence, are the primary tools the general manager uses to perform this duty. In exercising discretion to permit alternate use, the general manager must consider the extent to which the alternate use might undermine the licensee's ability to meet the terms and conditions of their licence; for example, whether there is a potential for harmful activities, such as the sale of liquor to minors and persons who are intoxicated, and noise and nuisance factors for the community.

Section 44(2) of the Liquor Control and Licensing Regulations specifically prohibits the licensee of a liquor primary establishment from admitting patrons during unlicensed hours, unless otherwise authorized by the general manager. Alternate use of a food primary establishment is not restricted. Under the authority of this section of the regulations, and the broader authority of section 12(2) of the Act to set licence terms and conditions in the public interest, the general manager has established specific rules to guide the alternate use of liquor primary establishments during licensed and unlicensed hours. The policies below are intended to preserve the licensee's ability to comply with the terms and conditions of their licence while, at the same time, offering a degree of flexibility in the way an establishment is used during and outside licensed hours.

Policies

5.3.1. Definition and general requirements for alternate use of licensed establishments

Alternate use is defined as a situation in which a licensee permits patrons to enter their licensed establishment for unlicensed events or activities during the hours when liquor service is not allowed under the licence or when the licence is temporarily suspended. Alternate use of a food primary licensed establishment is not restricted. Alternate use of a liquor primary licensed establishment is permitted only under the conditions authorized by the general manager.

[*Liquor Control and Licensing Act*, sections 6 and 12(2); Liquor Control and Licensing Regulations, section 44(2); Liquor Control and Licensing Branch Policy]

5.3.2. Alternate use of liquor primary licensed establishments outside licensed hours

Alternate use of a liquor primary licensed establishment is permitted for unlicensed events or activities during the hours when liquor service is not allowed under the licence. The following terms and conditions apply to alternate use outside licensed hours:

- all liquor is secured and inaccessible for the period during which the unlicensed activities are taking place
- there is at least one hour between the licensed and unlicensed activities in which no patrons are permitted within the establishment
- minors may be permitted during the period of alternate use for unlicensed activities, and

- the licensed establishment is not used for any purpose between the end of liquor service and 6 a.m.

[*Liquor Control and Licensing Act*, section 12(2)(b); Liquor Control and Licensing Regulations, section 44(2); Liquor Control and Licensing Branch Policy]

5.3.3. Alternate use of liquor primary licensed establishments during licensed hours

Alternate use of a liquor primary licensed establishment is permitted for unlicensed events or activities during the hours when liquor service is normally allowed under the licence, provided the Liquor Control and Licensing Branch first approves a temporary suspension of the liquor licence. A temporary suspension for alternate use will be for a full business day. No partial evening suspensions are permitted. The temporary suspension of one area within the establishment may be permitted with other areas still operating under the liquor licence, provided there is adequate separation between the two areas to prevent staff and patrons from moving between the two areas with liquor in their possession.

The following terms and conditions apply to alternate use during licensed hours:

- the alternate use of the establishment for unlicensed activities is temporary and only occasional
- all liquor within the area of the establishment to which the licence suspension is applicable is secured and inaccessible for the period during which the unlicensed activities are taking place
- there is at least one hour between the licensed and unlicensed activities in which no patrons are permitted within the area of the establishment to which the licence suspension is applicable
- minors may be permitted during the period of alternate use for unlicensed activities, and
- the area of the establishment to which the licence suspension is applicable is not used for any purpose between the end of liquor service and 6 a.m.

[*Liquor Control and Licensing Act*, section 12(2)(b); Liquor Control and Licensing Regulations, section 44(2); Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 6 and 12(2); Liquor Control and Licensing Regulations, section 44(2); Liquor Control and Licensing Branch Policy.

SECTION 6: Premises

6.0 Introduction

This chapter discusses topics related to the physical dimensions of, and facilities provided in licensed establishments. Perhaps the most important aspect of this topic is that the physical characteristics of an establishment affect how well licensees and their staff can manage areas licensed for the sale and consumption of liquor. A common theme in this chapter is, therefore, the general manager's duty to "supervise the conduct and operation of licensed establishments" [section 6(c) of the *Liquor Control and Licensing Act*] and tools the general manager uses to perform this duty.

Topics in this chapter are organized under the following headings:

- Posting of Licence and Access to Approved Plans
- Structural Alterations
- Capacity
- Outdoor Patios
- Adjoining Licensed and Unlicensed Areas
- Restaurant Lounges
- Restaurant Detail and Furnishings
- Liquor Service Bars in Restaurants

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6.1 Posting of Licence and Access to Approved Plans

Policy Rationale

Compliance and enforcement officers and the police enforce the requirements of the *Liquor Control and Licensing Act* and Regulations. To do this effectively, the first things they must know is whether an establishment has a valid liquor licence and whether any special conditions apply under the licence.

The general authority to inspect the books, premises, and stock of licensees is given under section 73 of the Act. Section 37 of the Liquor Control and Licensing Regulations goes further to require licensees to post their liquor licence in a conspicuous place in the licensed establishment. Posting the liquor licence in a prominent location in the licensed area makes it readily available at all times for inspection by the police and compliance and enforcement officers. It also informs the consuming public that the establishment is properly licensed and that certain rules are observed in compliance with licensing requirements.

Section 37 of the regulations also requires licensees to provide access to the approved floor plans when requested by the general manager. In effect, these plans form part of the liquor licence since they specify the physical dimensions of any areas within the establishment that are licensed for the sale and consumption of liquor. As with the licence certificate and any associated licence conditions, quick and easy access to this information is important for liquor law enforcement.

Policies

6.1.1. Availability of liquor licence and approved floor plans for inspection

A compliance and enforcement officer, police officer, or other person designated by the general manager may inspect:

- the liquor licence, and any special conditions that apply under the licence, and
- a copy of the floor plans of the establishment as approved by the general manager.

Licensees must post their liquor licences in a prominent location within the licensed establishment at all times, and have a copy of the approved floor plans readily available to be accessed upon request.

[*Liquor Control and Licensing Act*, section 73; Liquor Control and Licensing Regulations, section 37; Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, section 73, Liquor Control and Licensing Regulations, section 37

6.2 Structural Alterations

Policy Rationale

Under section 6 of the Liquor Control and Licensing Regulations, the general manager is required to reset the person capacity of the establishment before approving a structural alteration of a licensed establishment, or a change to the size of any area within the establishment. Section 7 further requires that licensees obtain written permission from the general manager before making any structural alterations or changes to the licensed area of their establishments. The reasons for these provisions are related to the performance of the general manager's duty to "supervise the conduct and operation of licensed establishments" under section 6(c) of the *Liquor Control and Licensing Act*.

Specifically, problems of over-service, over-consumption, and loss of control within a licensed establishment are related, in part, to the extent to which the physical dimensions and layout of the establishment help or hinder staff in effectively managing the licensed area. Enlargements or other changes to the floor plan may significantly affect the conduct and operation of the establishment as a whole and, therefore, require prior approval of the general manager.

Additionally, structural alterations that result in an increase in the person capacity of the licensed establishment may impact the surrounding neighbourhood because of noise and parking or traffic concerns. Section 6(1)(b) of the regulations requires the general manager to set the person capacity of the establishment "... having regard to the public interest and the views of a local government or first nation ..." before approving a structural alteration. For this reason, then, the same policies and practices that apply in setting the person capacity during the building assessment phase of an original licence application also apply in relation to a structural alteration.

Since the Act and regulations do not define a "structural change", the branch has developed a definition describing the kinds of changes that interest the general manager. The following policies articulate the manner in which the general manager interprets the responsibilities imposed under these provisions, and sets out the kinds of alterations that should be submitted for approval while licensees are still at the planning stage of their renovations.

Policies

6.2.1. Definition of structural alteration or enlargement

A structural alteration or enlargement is defined as a change to existing construction resulting in a change to the free space within a licensed area, including a change:

- in the position of a wall, floor or ceiling surrounding a licensed area
- in the position of new construction or removal of fixed articles such as planters, partial height divider walls, columns, pillars, ornamental displays, food and liquor service bars, stages and dance floors
- in the position of access and exit points leading to or from a licensed area, including any opening through which liquor is intended to pass

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- by the addition of a lounge area in a food primary establishment
- to permitted fencing surrounding an outdoor patio, and
- such other construction or changes the general manager considers may affect patron routing, capacity, or the line of sight between a staff control point and the licensed area of the establishment.

[Liquor Control and Licensing Branch Policy]

6.2.2. Setting person capacity for a structural alteration or change in size of the licensed area[1]

After building and fire authorities have approved the plans, and before approving a structural alteration or a change to the size of any area of a licensed establishment, the general manager must set the person capacity of the establishment. The policies and practices that apply in setting the person capacity:

- during the building assessment phase of an original licence application, or
- in the event of an increase in person capacity, during an application to amend a licence

also apply in setting the person capacity under these circumstances[2].

[Liquor Control and Licensing Regulations, sections 6(1) through (3); Liquor Control and Licensing Branch Policy]

6.2.3. Approval of structural alteration or enlargement

The general manager[3] may approve a request for the structural alteration or enlargement of a licensed establishment if the plans for such alterations do not:

- adversely affect patron routing into, through, or out of the licensed area
- result in an occupant load exceeding the capacity allowable under the liquor licence[4]
- break the line of sight between a point of staff control and the licensed area
- contravene specifications established by health, building, fire and other local or provincial government authorities
- violate conditions that apply to a particular class of liquor licence and/or a particular establishment
- otherwise interfere with the competent conduct and operation of the establishment.

[*Liquor Control and Licensing Act*, section 6(c), Liquor Control and Licensing Regulations, section 7; Liquor Control and Licensing Branch Policy]

6.2.4. Written decision

The decision to approve or reject structural alterations or area enlargements to a licensed establishment will be confirmed in writing with the applicant.

[Liquor Control and Licensing Regulations, section 7]

Authority References

Liquor Control and Licensing Act, section 6(c); Liquor Control and Licensing Regulations, sections 6(1) to 6(3) and 7.

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[1] See the section on "Capacity" earlier in this chapter for more information about the person capacity of licensed establishments.

[2] See policy 3.4.6, "Setting person capacity during the original licence application" in 3.4 Building Assessment and Issue of a Licence, and related policies in 3.5 Licence Amendments.

[3] When the plans for structural alterations or enlargements to the licensed area meet all statutory and policy requirements, the plans may be approved by a licensing administrator (see policy on Change Approval Authority).

[4] For any structural enlargement or alteration, local building or fire officials will need to calculate the occupancy load figure — a figure representing the maximum number of persons that can safely occupy a building or part of a building. This new figure must not be greater than the capacity allowable under the liquor licence. If it is greater, the licensee must submit an "Application for Permanent Change to a Liquor Licence" and go through the process of acquiring local government/First Nations input and a change in the capacity of the licensed establishment. See related polices under Capacity later in this chapter.

6.3 Capacity

Policy Rationale

As with other conditions pertaining to licensed premises, the capacities of the licensed areas within establishments must be considered in the context of effective management of the licensed areas, potential impacts on the local community and public safety concerns.

Section 6(1) of the Liquor Control and Licensing Regulations requires the general manager to set the person capacity of an establishment, "... having regard to the public interest and the views of a local government or first nation". It is under the authority of this section, therefore, that the general manager exercises discretion in connection with the capacity of licensed establishments. When doing so, the general manager, in keeping with the duty to "supervise the conduct and operation of licensed establishments", will place considerable emphasis on the relationship between capacity and the ability of the licensee and staff to manage the licensed area. The numbers must allow for the observation of patron behaviour, and the ability of staff to observe behaviour may be affected by activities such as entertainment involving patron participation.

Public interest issues that commonly arise in making decisions about capacity include safety concerns and potential impacts on the community. From a fire safety perspective, consideration must be given to the minimum amount of space per person that will allow safe movement within, and exit from, the building in the event of fire. Here again, the kinds of activities taking place in the establishment will obviously be a significant factor. The B.C. Fire Code, B.C. Building Code, and local rules or bylaws such as the Vancouver Building Bylaw establish "occupant loads", representing the maximum number of persons that can safely occupy a building or part of a building at any given time. The allowable "person capacity"[5] with which establishments are licensed by the Liquor Control and Licensing Branch conform to these occupant load standards. Indeed, under section 6(2) of the Liquor Control and Licensing Regulations, "... the general manager must refuse to issue, amend or transfer a licence ... if the occupant load of the establishment is not equal to the person capacity".

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Under section 12(2) of the Liquor Control and Licensing Act the general manager has the authority to impose terms and conditions that are in the public interest on any licence. It is under this authority that the general manager may establish a minimum capacity requirement for a specific category of licence[6].

The presence of a licensed establishment may have significant impacts upon nearby residents and businesses. A local community will be concerned with parking and traffic flows, and with any noise or nuisance issues that may arise with particular premises or types of establishments. Because of the implications capacity can have for a local community, sections 10(3) and 53(4) of the regulations stipulate that a local government or First Nation must take these issues into account in considering the person capacity of a liquor primary establishment or a winery lounge or in the case of a winery special event area the size of that area. There are, in addition, a range of other factors the general manager may consider in the public interest — largely those factors which address the licensee's ability to comply with the terms and conditions of the licence.

The policies below detail these considerations as well as the technical requirements of setting person capacity for new and existing licences. They also outline the way in which licence amendment policies apply in respect of temporary or permanent changes in person capacity.[7]

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[5] Prior to December 1, 2001, new licences were issued with a "patron capacity" figure — a figure that represented the maximum number of patrons (excluding staff, entertainers, or other persons) permitted in the licensed area of the establishment. Renewals of licences for which the original application was prior to December 1, 2001, and for which no subsequent applications to change capacity have been approved, will continue to reference the term "patron capacity". All licences originating since that date have been issued — and will be renewed — with a "person capacity" figure that is equal to the occupant load figure assigned by provincial and local building and fire safety authorities. This figure represents the maximum number of *all* persons (including patrons, staff, and any other persons) permitted in the licensed area.

[6] See Policy 4.5.6 "Status of a licensee retail store licence dependent upon status of associated liquor primary establishment" in 4.5 Valid Interest in an Establishment.

[7] See related discussion and policy under 3.5 Licence Amendments.

Policies

6.3.1. General considerations in setting person capacity

The general manager must set the person capacity[8] for liquor primary, liquor primary club, and food primary licensed establishments and winery lounges and interior special event areas[9]. The person capacity of a licensed establishment shall be equal to the occupant load of the establishment, which is the least of the number of persons permitted in the establishment[10] determined under:

- the Provincial building regulations
- the *Fire Services Act* and British Columbia Fire Code Regulation, and
- any other safety requirement enacted, made or established by the local government or First Nation for the area in which the establishment is located.

[Liquor Control and Licensing Regulations, sections 1 and 6; Liquor Control and Licensing Branch Policy]

6.3.2. Factors considered in the public interest in setting person capacity

In setting the person capacity of a licensed establishment, for new and existing licences, the factors considered will include those considered by a local government or First Nation in relation to a licence amendment[11] as follows:

- the potential for noise if the proposed person capacity is approved, and
- the impact on the community if the proposed person capacity is approved.

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Additional factors that may be considered in the public interest include:

- whether the number of persons implied by the capacity figures allows the licensee to maintain effective management and control of the licensed area
- location of the licensed establishment
- capacities of nearby licensed establishments
- licensee's compliance history, and
- establishment's history of compliance.

[Liquor Control and Licensing Regulations, section 53(4); Liquor Control and Licensing Branch Policy]

6.3.3. Application of licence amendment policy in temporary or permanent changes to capacity

Both temporary and permanent changes to capacity[12] require an amendment to a liquor licence. An application for a change involving an increase in the patron or person capacity of a liquor primary, liquor primary club, a winery lounge, or in the case of a winery special event area an increase in the size of that area, must be in compliance with the regulations and policy for notifying and considering comments from a local government or First Nation, as specified for a licence amendment.[13]

Applications from licensees or applicants:

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[8] The term "person capacity" is defined in section 1 of the Liquor Control and Licensing Regulations as "... the maximum number of persons allowed by the general manager in the establishment"

[9] The capacity is general[ly] ... specified for licensee retail stores, winery tour and picnic areas, because of the nature of these establishments or endorsement areas.

[10] In other words, although th[e] ... authorities in the bulleted list below may arrive at different figures for the number of persons that should be permitted in the licensed establishment, the occupant load shall be the lesser of all these figures.

[11] See related policies under 3.5 Licence Amendments in chapter 3, Licensing Process.

[12] Temporary or permanent capacity changes would include those in which licensees apply to have *patron* capacity figures replaced with *person* capacity figures.

[13] See applicable policies in 3.5 Licence Amendments.

- holding a liquor primary licence, liquor primary club licence, or a winery licence with a winery lounge endorsement immediately prior to December 2, 2002, or
- preliminary site and applicant approval for a liquor primary licence, liquor primary club licence, or a winery licence with a winery lounge endorsement immediately prior to December 2, 2002

applying on a one-time basis to increase the person capacity of an establishment up to the occupant load of the establishment are not required to provide notice to a local government or First Nation, provided there is no structural change or enlargement of the establishment. A structural change or enlargement resulting in a change to the free space within a licensed area will be treated as an application for a structural alteration[14] and not an application for a change in person capacity.

The general manager, in deciding whether to approve a request for a temporary or permanent change to capacity, will consider the same factors as are considered in reviewing the plans and setting person capacity in an original licence application.[15]

[Liquor Control and Licensing Regulations, sections 53 and 54; Liquor Control and Licensing Branch Policy]

6.3.4. Temporary and permanent changes to person capacity

On application by the licensee, and in consideration of policies 6.3.1 through 6.3.3, the general manager may either temporarily or permanently amend the term and condition of a licence respecting the person capacity of the licensed establishment in order to:

- increase the person capacity, up to a figure that is equal to the occupant load of the licensed establishment, or
- decrease the person capacity, particularly in relation to a structural alteration, down to a figure that is equal to the occupant load of the licensed establishment.

[Liquor Control and Licensing Branch Policy]

Authority References

Fire Services Regulations, section 4(7); Liquor Control and Licensing Regulations, sections 1, 6, 53 and 54; Liquor Control and Licensing Branch Policy.

6.4 Outdoor Patios

Policy Rationale

Policies concerning outdoor patios flow from earlier capacity policies and address the same public interest concerns of potential over-service and over-consumption, as well as effective management of a licensed area. Similar public interest considerations to those that relate to the initial building assessment phase of the original licence application process also apply to applications for outdoor patio endorsements. These considerations include health and safety concerns, and the ability of the licensee and staff to maintain control throughout the establishment. Staff supervision of access and egress points for a patio is of particular concern — especially as it relates to the possibility of access to the licensed area by minors.

Liquor service on an outdoor patio may significantly impact facilities, businesses and residents in the immediate vicinity of the establishment. Because of this, licence conditions such as hours of operation, capacity, and entertainment will have a bearing on whether or not an outdoor patio will be considered. These factors are all relevant in assessing noise and other effects likely to be felt by surrounding neighbours.

Concerns about health, safety and community impact are, therefore, paramount in considering outdoor patio service for liquor primary licensed establishments. Section 53 of the regulations governing licence

[14] See related policies under the previous section of this chapter, 6.2 Structural Alterations.
[15] See policies 3.4.3 through 3.4.5 of 3.4 Building Assessment and Issue of a Licence.

amendment processes, and the following policies reflect this by requiring that the views of local government and First Nations be considered on applications for outdoor patios. By contrast, the primary operating purpose of a food primary licensed restaurant is to serve food, with liquor service available only as a complement to a meal. As such, a food primary establishment may have patios provided local building and zoning bylaws permit them.

Patios are not considered for licensee retail stores, which are licensed only for the sale of packaged liquor. Consumption is not permitted on the premises, with the exception of product demonstrations offered by manufacturers and their agents.

Policies

6.4.1. General considerations in outdoor patio applications

Subject to considerations in the public interest, the general manager may designate outdoor areas of a licensed establishment where liquor may be sold and served. In determining whether to designate the outdoor patio of a liquor primary or liquor primary club licensed establishment or a winery lounge or special event area as an area of the establishment in which liquor will be consumed, the factors considered will include those considered by a local government or First Nation in relation to a licence amendment[16] as follows:

- the potential for noise if the patio is approved, and
- the impact on the community if the patio is approved.

Additional factors that may be considered in the public interest include:

- whether the licensee can maintain effective management and control of the outdoor patio area
- whether the size and location of the outdoor patio negatively impacts surrounding residents and businesses; and
- such other factors as may be relevant in the public interest.

[*Liquor Control and Licensing Act*, section 12(3)(b); Liquor Control and Licensing Regulations, section 53(4); Liquor Control and Licensing Branch Policy]

6.4.2. Specific considerations in outdoor patio applications

In making a determination under policy 6.4.1, the general manager may consider whether the outdoor patio area has the following characteristics:

- perimeter is suitably defined and bounded in order to control patron entry and exit (eg. through fencing, planters, hedges, roped stations etc.)
- does not appear to be a standalone patio unassociated with the licensed interior (a winery lounge, however, may be a standalone patio that is associated with a winery)
- suitably designed and located to prevent noise nuisance to nearby residents or passers-by
- may be located on a grassed, earthen or gravelled area rather than finished flooring, provided they are approved by local health inspection authorities
- if located on a sidewalk or other public property, written approval from the local government has been provided
- complies with health and fire regulations
- may have fixed or portable food and liquor service bars
- designed to minimize the occasions where servers would be required to pass through unlicensed areas carrying liquor
- designed to ensure effective management and control of the outdoor patio from the indoor licensed area (if applicable)

[16] See related policies under 3.5 Licence Amendments

- must, whenever possible, be located immediately adjacent or contiguous to the interior licensed area (if applicable). In the event a patio is not immediately adjacent, only servers are permitted to carry liquor through unlicensed areas.

[*Liquor Control and Licensing Act*, section 12(3)(b); Liquor Control and Licensing Branch Policy]

6.4.3. Application of licence amendment policy to outdoor patio applications

The addition of a patio to a licensed establishment requires an amendment to a liquor licence. An application for the addition of a patio to a liquor primary or liquor primary club establishment or a winery lounge or special event area will comply with the regulations and policy for notifying and considering comments from a local government or First Nation, as specified for a licence amendment.[17]

[Liquor Control and Licensing Regulations, section 53]

Authority References

Liquor Control and Licensing Act, section 12(3)(b); Liquor Control and Licensing Regulations, section 53; Liquor Control and Licensing Branch Policy.

6.5 Adjoining Licensed and Unlicensed Areas

Policy Rationale

The policy on this topic is designed to address the key concerns that arise when a licensed establishment adjoins or shares facilities with another; specifically, public access from one area to the other and the effects upon the licensee's ability to manage and control the licensed area. The focus is on the general considerations brought to bear in any decision to approve adjoining premises, and on establishing the policy for combinations of licensed and unlicensed premises that have not been dealt with elsewhere. Once again, general authority is provided by section 12(2) of the *Liquor Control and Licensing Act* that permits the general manager to impose terms and conditions in the public interest. Additionally, section 38 of the regulations requires that a licensed establishment must be separated from an unlicensed area, or from another licensed area under a different category of licence, in a manner that is satisfactory to the general manager.

While there are a wide variety of adjoining establishments – both existing and potential – specific policy has been developed for some combinations that commonly occur. Some of these are discussed in detail elsewhere in this manual, so the policy as it applies to them specifically is not repeated here. For example, liquor primary licensed lounges with adjoining teletheatre betting outlets are discussed under the heading "Gambling in a Licensed Establishment" in the Entertainment chapter. Patios adjoining the licensed areas of liquor primary establishments, food primary establishments, or winery lounges are dealt with in detail under "Outdoor Patios" earlier in this chapter. The policy for winery lounges with adjoining or overlapping sampling rooms or agency stores as well as tour areas that overlap other endorsement areas are set out under "General Consumption" in the chapter on Management and Control of a Licensed Establishment.

When a licensed liquor primary area adjoins either an unlicensed area or a food primary licensed restaurant, one of the most significant concerns that must be addressed in the licence terms and conditions will be the possibility of access to the licensed area by minors. This includes not only physical access, but also visual access to adult-oriented activities that are not considered appropriate for minors to view. Control of minors and person capacity are also issues when a licensed area shares washroom facilities with an unlicensed establishment. For these situations, branch policy is designed to ensure that patrons do not have to pass through the licensed area in order to reach the washrooms. Other features of the policy governing adjacent licensed and unlicensed areas are designed to ensure patrons do not carry liquor from the licensed to the unlicensed area.

[17] See applicable policies in 3.5 Licence Amendments

Control of access points between the establishments is the primary element of the policy governing food primary licensed restaurants adjoining liquor licensed areas such as pubs or lounges. As well as controlling physical access, the policy restricts visual access from a restaurant into an adjoining liquor primary licensed area out of concern for minors observing adult-oriented entertainment in the liquor primary licensed area.

On the whole, the rationale for physical and sight separation between two establishments is based on a concern about the impact of one type of establishment on the other. Without this separation, it would be difficult for staff and patrons to know where one establishment begins and another ends. Licensees must ensure that the areas are distinct, and that people know that different operating conditions are in effect. Additionally, assessing capacity levels can be problematic without clear physical separation between the two areas. For example, when a pub fills up — not an uncommon situation for pubs with a smaller capacity — patrons might be seated in an adjoining restaurant. Visual and physical access between the two establishments can make it difficult for staff to maintain effective management and control in both of the licensed areas.

Finally, for shared or adjoining facilities between licensee retail stores and licensed or unlicensed areas, the main thrust of the policy is to maintain clear separation between the two areas. Access to both areas may be shared through, for example, a common lobby or shopping mall, but the licensee retail store must have a separate and dedicated public entrance.

Effective management and control of the areas licensed for liquor service or sales – and an appreciation by the staff of the rules and responsibilities that apply to them in the respective areas – is better achieved when the different areas are clearly distinguishable. At the same time, the branch is conscious of the cost to licensees of providing facilities (such as kitchens and washrooms) that might reasonably serve both areas.

Policies

6.5.1. General considerations in granting approval for shared or adjoining facilities

Subject to considerations in the public interest, the general manager may grant approval for licensed establishments to share kitchen, washroom, and/or lobby entrance areas, or maintain adjoining walls or entrances with other licensed or unlicensed areas. In determining whether to grant approval for adjoining or shared facilities, the general manager may consider:

- whether the licensee can maintain effective management and control of the licensed area(s)
- whether the size and location of the shared facilities negatively impacts patrons in the adjoining licensed or unlicensed areas,
- and such other factors as may be relevant in the public interest.

[*Liquor Control and Licensing Act*, section 12(2); Liquor Control and Licensing Regulations, section 38; Liquor Control and Licensing Branch Policy]

6.5.2. Shared or adjoining facilities between food primary and liquor primary licensed establishments

In making a determination under policy 6.5.1, the general manager may consider whether the combined or adjoining food primary and liquor primary licensed establishments have the following characteristics:

- both licensed establishments may be owned and operated by the same licensee, but a physical separation between the two establishments is maintained at all times
- separation between the two licensed establishments is sufficient to determine a separate occupant load for each of the licensed establishments, to prevent the food primary establishment from becoming an extension of the liquor primary establishment, and to control access and egress to both establishments

- separation between the two licensed establishments is fixed and immovable to ensure that the limits on the size of both establishment are maintained
- if adult entertainment is provided in the liquor primary area, the divider or other separation between the licensed establishments is sufficient to prevent a line of sight between the two licensed establishments
- patrons in the food primary establishment have access to washrooms without having to go through the liquor primary establishment, or shared washroom facilities are accessible from a common interior lobby access to the liquor primary establishment from a public thoroughfare may be through the food primary establishment, but access to the food primary area from a public thoroughfare may not be through the liquor primary area, and
- patios in both establishments are clearly separated with no direct access between the two.

[Liquor Control and Licensing Regulations, section 38(2); Liquor Control and Licensing Branch Policy]

6.5.3. Shared or adjoining facilities between a food primary licensed establishment and an unlicensed area[18]

In making a determination under policy 6.5.1, the general manager may consider whether the combined or adjoining food primary licensed establishment and unlicensed area have the following characteristics:

- separation between the licensed and unlicensed areas is sufficient to determine a separate occupant load for the food primary licensed establishment, and to control access and egress to the licensed area
- separation between the two licensed areas is fixed and immovable to ensure that the size of the food primary establishment is maintained
- if adult entertainment is provided in the unlicensed area, dividers or other separation prevent a line of sight between the licensed and unlicensed areas
- the liquor service area is situated so that drinks containing liquor are not carried across or through an unlicensed area
- dividers or other means of separation are not designed in such a way that drinks can be placed on them or accessed from the unlicensed area, and
- drinks containing liquor may not be taken from the licensed area to an unlicensed area by patrons, and signs to this effect are posted at all exit points from the restaurant or other licensed area

[Liquor Control and Licensing Regulations, section 38(1); Liquor Control and Licensing Branch Policy]

6.5.4. Shared or adjoining facilities between a liquor primary licensed establishment and an unlicensed area that *is not* primarily involved in hospitality, entertainment, food, or beverage service

In making a determination under policy 6.5.1, and if the unlicensed area sharing facilities with or adjoining a liquor primary licensed area is not primarily involved in hospitality, entertainment, food, or beverage service, the general manager may consider whether the combined or adjoining liquor primary licensed and unlicensed areas have the following characteristics:

- separation between the licensed and unlicensed areas is of full height wall construction, and is fixed and immovable
- a separate and dedicated entrance is maintained for each of the licensed and unlicensed areas, and
- access to the liquor primary establishment may be from a public thoroughfare[19], but access to the unlicensed area is not permitted through the liquor primary establishment.

[Liquor Control and Licensing Regulations, section 38(1); Liquor Control and Licensing Branch Policy]

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[18] See Restaurant Operating Details and Furnishings later in this chapter for further information.

[19] For example, a shopping mall concourse is a public thoroughfare from which access to the liquor primary area would be permitted under these circumstances.

6.5.5. Shared or adjoining facilities between a liquor primary licensed area and an unlicensed area that is primarily involved in hospitality, entertainment, food, or beverage service

In making a determination under policy number one, and if the unlicensed area sharing facilities with or adjoining a liquor primary licensed area is primarily involved in hospitality, entertainment, food, or beverage service, the general manager may consider whether the combined or adjoining liquor primary licensed and unlicensed areas have the following characteristics:

- separation between the licensed and unlicensed areas is sufficient to determine a separate occupant load for the liquor primary licensed establishment, and to control access and egress to the licensed area
- separation between the two areas is fixed and immovable to ensure that the size of the liquor primary establishment is maintained
- if adult entertainment is provided in the licensed area, dividers or other separation prevent a line of sight between the licensed and unlicensed areas, and
- the entrance to the liquor primary establishment may come from within the adjoining unlicensed area.[20]

[Liquor Control and Licensing Regulations, section 38(1); Liquor Control and Licensing Branch Policy]

6.5.6. Shared or adjoining facilities between licensee retail stores and licensed or unlicensed areas

In making a determination under policy number one, the general manager may consider whether the combined or adjoining licensee retail store and licensed or unlicensed establishments have the following characteristics:

- separation between both areas is of full height wall construction, and is fixed and immovable
- if adult entertainment is provided in the unlicensed area, dividers or other separation prevent a line of sight between the licensee retail store and the unlicensed areas

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- a separate and dedicated public entrance is maintained for both the licensee retail store and the shared or adjoining area with no public entrance to either facility from the other, although they may share a common public thoroughfare such as a lobby, and
- if the shared or adjoining area is a liquor primary establishment, a door for staff use only may be located between the liquor primary establishment and the licensee retail store.

[Liquor Control and Licensing Regulations, section 38(2); Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, section 12(2); Liquor Control and Licensing Regulations, section 38; Liquor Control and Licensing Branch Policy.

6.6 Restaurant Lounges

Policy Rationale

Under section 12 of the Liquor Control and Licensing Regulations, licensees of food primary establishments with a licensed capacity of 50 persons or more may apply for a licence endorsement for a lounge area. In applying for this endorsement, the licensee must be able to demonstrate that the lounge area will appear to be separate from the primary dining area. A games or dance area may not be located in the lounge area. Once approved and open to restaurant patrons, food service must be available at all times in the lounge, and liquor service must only be offered if the primary dining area of the restaurant is also fully open for service.

[20] For example, entrance to a lounge may come from within an adjoining golf clubhouse.

Before approving an application for a lounge endorsement, the general manager is required to set the person capacity for the lounge area as distinct from the person capacity for the larger establishment. Section 12(2) of the regulations applies a formula for calculating the person capacity of the lounge area: it must be either forty persons or 20% of the person capacity of the interior of the principal area of the licensed establishment, whichever is the lesser. An establishment may have both an indoor and an outdoor patio lounge. The overall person capacity for the two areas is strictly observed, however, so that the combined number of persons occupying both the indoor lounge and the outdoor patio lounge does not exceed the lounge capacity limit (40 persons/20% dining capacity) for that establishment.

The last policy, below, identifies available seating and other furnishings in a lounge as an indicator of compliance with these person capacity requirements. In general, the ratio of seating to floor area in the lounge must be similar to that found in the main dining area of the restaurant. If a compliance and enforcement officer finds seating in excess of the licensed person capacity in the lounge, they may consider this to be evidence of overcrowding.

Policies

6.6.1. General conditions for a restaurant lounge

For licensed establishments with a person capacity of at least 50 persons, the general manager may endorse a food primary licence for the sale of liquor in a lounge area of the establishment. The following terms and conditions apply to a lounge endorsement:

- food service must be available in the lounge
- the licensee must not serve liquor in the lounge if the primary dining area of the licensed establishment is not open for service of its full food menu and liquor service,

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- a games or dance area may not be located in the lounge,
- the lounge must, in the opinion of the general manager, appear to be an area that is distinct from the primary dining area of the licensed establishment, and
- minors must be accompanied by an adult.

[*Liquor Control and Licensing Act*, section 12(2); Liquor Control and Licensing Regulations, section 12(1) and (5); Liquor Control and Licensing Branch Policy]

6.6.2. Setting person capacity for a restaurant lounge

Before approving an application for a lounge endorsement, the general manager must set the person capacity of the lounge area. The person capacity of the lounge area will be:

- forty (40) persons, or
- 20% of the capacity of the interior of the principal area of the licensed establishment

whichever is the lesser. The ratio of seating to floor area in the lounge must be similar to that found in the primary dining area.

[Liquor Control and Licensing Regulations, section 12(2); Liquor Control and Licensing Branch Policy]

6.6.3. Restaurant patio lounges

The general manager may approve a lounge located on an outdoor patio, in addition to a lounge in the interior of the licensed establishment, provided that

- the person capacity of each of the lounge areas does not exceed the person capacity set under policy 6.6.2, and
- if both lounges are open for liquor service at the same time, the combined total number of persons in both the patio and interior lounge does not exceed the person capacity set by the general manager under policy 6.6.2.

[Liquor Control and Licensing Regulations, sections 12(3) and (4)]

6.6.4. Seating in the lounge area of a restaurant

The chairs, booths, benches, stools, or other furniture provided for patron seating in the lounge area of a food primary licensed establishment should not exceed the patron capacity of that area, as set under policy 6.6.2. A compliance and enforcement officer may consider seating in excess of the licensed capacity as evidence of overcrowding in the lounge area.

[Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, section 12(2); Liquor Control and Licensing Regulations, section 12; Liquor Control and Licensing Branch Policy.

6.7 Restaurant Operating Details and Furnishings

Policy Rationale

Section 11(1) of the Liquor Control and Licensing Regulations, which states that a food primary licence may be issued to the owner and operator of an establishment if "... the primary business carried on in the establishment is the service of food during all hours of its operation", clearly distinguishes between the food primary and liquor primary categories of licence. In part, it is the specific operating details and furnishing requirements of a food primary establishment that maintains the distinction between the two.

Under section 11(3) of the regulations, a licensed restaurant must have kitchen equipment and an adequate supply of flatware, china and other table facilities, and offer a reasonable selection of menu items. The business aspects of the operation must also be consistent with food service: the hours of operation, financial records, and the ratio of receipts for food sales to that of liquor sales must be what one might expect of an establishment in the business of food service. Other aspects of restaurant decor are regulated by policy to ensure the operation of the restaurant and behaviour of patrons does not become so similar to that of liquor primary licensed establishments that the distinction between the two types becomes blurred. For example, bandstands, stages and overhead track lighting would be considered more conducive to the operations of liquor primary establishments such as lounges or cabarets.

The policies below outline the requirements for restaurant operating details and furnishings that are consistent with the primary operating purpose of food service. They also address the necessity of separating the licensed dining area from other unlicensed areas of the establishment so that patrons will not be confused about where liquor may be consumed.[21] In common with other policies governing premises, appropriate management and control of the licensed area is a fundamental concern.

Policies

6.7.1. Operating details and furnishings consistent with food service

A food primary licence may be issued for an establishment if the primary purpose of the business carried on in the establishment is the service of food during all hours of its operation. In determining whether to issue a licence, the general manager may consider whether the establishment:

- has kitchen equipment sufficient for the operation of the establishment as primarily in the business of food service
- uses a kind of lighting that is positioned, and normally considered suitable, for dining
- is furnished with tables, chairs, booths, and/or counters and stools, the height and width of which are suitable for dining

[21] See related discussion and policy in 6.5 Adjoining Licensed and Unlicensed Areas and 11.5 Games in a Licensed Establishment

- has a menu with a varied selection of food items, including both appetizers and main courses, or their equivalent
- offers entertainment and games of a type and/or during hours that are consistent with an establishment primarily in the business of food service[22]
- advertises as primarily in the business of food service
- operates during the hours that would be consistent with an establishment primarily in the business of food service
- has financial records that demonstrate the primary focus of the business is the service of food
- has a ratio of receipts from food sales to liquor sales that is consistent with an establishment primarily in the business of food service, and
- has any other characteristics that would be relevant and would assist in the determination of whether the establishment is primarily in the business of food service.

[Liquor Control and Licensing Regulations, section 11(3); Liquor Control and Licensing Branch Policy]

6.7.2. Where decor and furnishings are more consistent with another licence category

If the general manager is of the opinion that the operating details and furnishings are more consistent with a liquor primary licensed establishment, the applicant or licensee may be asked to apply for that licence. The general manager may consider construction and furnishings typically found in night clubs and other types of liquor primary establishments, such as:

- bandstand-style stages
- dance floors out of proportion with the size of the establishment
- D.J. booths and high-volume speakers, and
- strobe and multi-track overhead lighting

to be inconsistent with, or indicate a shift in emphasis from, an establishment primarily engaged in food service.

[Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Regulations, section 11; Liquor Control and Licensing Branch Policy.

6.8 Liquor Service Bars in Restaurants

Policy Rationale

The policy governing liquor service bars in restaurants is an extension of the two previous topics (restaurant lounges and restaurant operating details and furnishings). All of these policies are centred upon the primary operating purpose of a food primary establishment being the service of food, as set out in section 11(1) of the Liquor Control and Licensing Regulations. Liquor service is offered as a pleasant accompaniment to meals, rather than the main focus of the activity in the establishment.

Liquor service bars are not always part of restaurant design. Where they are provided, however, they are intended to aid servers in the dining area, rather than to provide a focal point for patrons. For this reason, bar stool seating is generally not permitted at service bars in restaurants, except in lounge areas. For the same reason, liquor service bars may not adjoin other bar counters, such as sushi bars or oyster bars.

The general manager approves liquor service bars under section 12(3)(b) of the *Liquor Control and Licensing Act,* which allows designation of "the areas of an establishment, both indoors and outdoors, where liquor may be sold and served."

[22] See Patron Participation Entertainment in the Entertainment chapter for special conditions that apply to karaoke box-style restaurants.

Policies

6.8.1. Design and location of liquor service bar

In determining whether to approve the liquor service bar in a food primary licensed restaurant, the general manager may consider whether the liquor service bar:

- is a distinct structure, not directly adjoining any other service counter located in the restaurant
- if not located in a lounge or an adjacent liquor primary licensed area, does not adjoin other bar counters or provide bar stool seating for patrons, and
- is otherwise designed and located to support the primary purpose of the establishment in the service of food.

[*Liquor Control and Licensing Act*, section 12(3)(b), Liquor Control and Licensing Regulations, section 11(3); Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, section 12(3)(b); Liquor Control and Licensing Regulations, section 11(3); Liquor Control and Licensing Branch Policy.

6.9. DELETED – MARCH 2008

SECTION 7: Liquor Service and Sales

7.0 Introduction

This chapter covers topics relating to how liquor is sold and served in establishments licensed by the Liquor Control and Licensing Branch. The policies and practices discussed here are, generally, the techniques the branch uses to discourage over-service in licensed establishments. A recurring theme throughout this chapter is that regulatory tools such as these are used by government to manage the sale of products like alcohol — products that have addictive qualities, and that may have harmful effects if either abused by purchasers or exploited by vendors.

These and related issues are discussed in this chapter under the headings:

- Type of Liquor Sold
- Ordering Liquor
- Pricing
- Dispensers and Drink Sizes
- Replacement of Faulty Keg or Spoiled Product by Brewer's Agent
- Off-Premises Sales
- Variations in Liquor Primary Licences

7.1 Type of Liquor Sold

Policy Rationale

Under section 12(3)(a) of the *Liquor Control and Licensing Act*, the general manager may "... limit the type of liquor to be sold" in a licensed establishment. The general manager's actions in this regard are in keeping with the statutory duty to consider the public interest when establishing licence terms and conditions, and to ensure that liquor sales are properly managed and controlled.

Additionally, tastes and drinking patterns quite simply change, and manufacturers continue to develop new products. For these reasons, limitations on the types of liquor that can be sold in most types of establishments are a matter of policy and not set out in the legislation. The exception to this is licensed winery lounges and special event areas, which are limited by section 18(7) of the regulations to the sale of wine manufactured and bottled in British Columbia. Section 18.1(4) of the regulations places this same restriction on the products that may be consumed within a winery tour or picnic area. This is because the winery endorsements were designed to foster development of the province's wine industry, and to enable the industry to develop a world class "agri-tourism" market. The winery endorsements were not intended to provide for alternate drinking establishments.

Revised March 2007

Licensee retail stores are now permitted to sell spirits, in addition to beer, wine, cider or coolers. Establishments with off-premises sales endorsements are, however, restricted to beer, cider and wine coolers containing less than seven per cent alcohol. This requirement is discussed in greater detail later in this chapter under the topic "Off-Premises Sales".

For both liquor primary and food primary establishments, the general manager may, under sections 6(c) and 12(3) of the Act, impose limitations on the type of liquor sold in consideration of the public interest and pursuant to the duty to supervise the conduct and operation of licensed establishments. The general manager has no general policy to limit the types of liquor sold in either liquor primary or food primary establishments, with the exception of licensed stadiums. They are restricted to the sale of beer, wine, cider, and coolers; the sale or service of spirits is prohibited. This is largely because of public safety issues associated with liquor consumption where large numbers of people are gathered in a relatively restricted area during sporting events.

Any limitations for liquor primary and food primary establishments are otherwise establishment and location specific, forming part of the terms and conditions of the liquor licence for a particular establishment. Decisions about the availability of liquor require careful consideration of the implications for management and control of the establishment, and of the potential impacts on the community. As a result, such decisions are generally based upon a range of factors. For example, patterns of enforcement difficulties may be examined, such as over-service, overcrowding or service to minors. Changing tastes and drinking trends may also be a consideration, as might the numbers and types of licensed establishments in the vicinity. The nature of the establishment in question might also be a factor, in terms of clientele, operating characteristics, and the types of activities provided.

Policies

7.1.1. Types of liquor sold in liquor primary establishments

All types of liquor may be sold in liquor primary licensed establishments, subject to limitation by the general manager. Where limited by the general manager, the types of liquor permitted for sale shall be endorsed on the licence.

[*Liquor Control and Licensing Act*, sections 6(c) and 12(3)(a), Liquor Control and Licensing Branch Policy]

7.1.2. Types of liquor sold in stadiums

The sale or service of liquor in a licensed stadium is restricted to beer, wine, cider, and coolers. The sale or service of spirits is prohibited unless otherwise authorized by the general manager.[1]

[*Liquor Control and Licensing Act*, sections 6(c) and 12(3)(a), Liquor Control and Licensing Branch Policy]

7.1.3. Types of liquor sold in food primary licensed establishments

All types of liquor may be sold in food primary licensed establishments, subject to limitation by the general manager. Where limited by the general manager, the types of liquor permitted for sale shall be endorsed on the licence.

[*Liquor Control and Licensing Act*, sections 6(c) and 12(3)(a), Liquor Control and Licensing Branch Policy]

7.1.4. Types of liquor sold in Licensee Retail Stores

Revised March 2007

All types of liquor may be sold in licensee retail stores, subject to limitation by the general manager in the licence.

[*Liquor Control and Licensing Act*, sections 6(c) and 12(3)(a), Liquor Control and Licensing Regulations, section 14(1)(a)]

7.1.5. Types of liquor sold or permitted to be consumed in winery lounges, special event areas, picnic and tour areas

The sale or service of liquor in a winery lounge or special event area is restricted to wine or cider manufactured and bottled in British Columbia.

The consumption of liquor in a winery picnic or tour area is restricted to wine or cider manufactured and bottled in British Columbia.

[Liquor Control and Licensing Regulations, sections 18(7) and 18.1(4)]

[1] See related policy in 7.7 Variations in Liquor Primary Licences.

Authority References

Liquor Control and Licensing Act, sections 6(c) and 12(3)(a); Liquor Control and Licensing Regulations, sections 14(1)(a), 18(7); and 18.1(4), Liquor Control and Licensing Branch Policy.

7.2 Ordering Liquor

Policy Rationale

Stories of the wild west abound with references to "fire water", and the strange and sometimes toxic materials added to liquor sold in those days by less-than-honourable whiskey traders. Regulating product supply is one of the key instruments used by government to ensure product quality, and also to control the quantities bought and sold as part of the duty to supervise the conduct and operation of licensed establishments under section 6(c) of the *Liquor Control and Licensing Act*.

Section 38(3)(a) of the Act requires that licensees purchase liquor for resale in their establishments from the Liquor Distribution Branch. In addition to government liquor stores, the Liquor Distribution Branch may specifically designate outlets where licensees may purchase liquor. Currently, designated outlets include the following:

- rural agency liquor stores
- on-site agency stores at licensed wineries, breweries and distilleries
- independent wine stores, and
- Brewers' Distributors.

The Liquor Control and Licensing Regulations stipulate that certain practical measures be taken to ensure that liquor is purchased from appropriate sources and that purchases are properly accounted for. Section 35(3) requires that licensees keep a register of all liquor purchases and receipts. This register must be open to inspection by the police, compliance and enforcement officers, or any other person designated for that purpose by the general manager. Section 35(1)(a) requires that licensees purchase liquor only from liquor stores designated by the general manager, or another person designated by the Liquor Distribution Branch.

Policies

7.2.1. Inspection of liquor register and other items

A compliance and enforcement officer, peace officer, or other person designated in writing by the general manager may require that the licensee make available for inspection

- a register of liquor purchased and received
- any other records relevant to the purchase, storage, and sale of liquor[2]
- any premises used for the storage of liquor
- liquor stocks
- and any other things associated with the operation of the licensed establishment.

[*Liquor Control and Licensing Act*, section 73(1), Liquor Control and Licensing Regulations, section 34, *Liquor Distribution Act*, section 11, Liquor Control and Licensing Branch Policy]

7.2.2. Subject of liquor register inspection

A compliance and enforcement officer, peace officer, or other person designated in writing by the general manager may examine a licensee's register of liquor purchases, receipts, and liquor stock to ensure that all liquor has been purchased:

[2] Section 34 of the Liquor Control and Licensing Regulations lists, in addition to liquor purchase records, a range of prescribed documents that the licensee may be required to produce for inspection

- from a liquor store designated in writing by the general manager, or another person designated by the Liquor Distribution Branch
- in accordance with the *Liquor Control and Licensing Act*, the regulations and the terms and conditions of the licence, and
- by a person identified as a licensee.

[*Liquor Control and Licensing Act*, section 38(3)(a), Liquor Control and Licensing Regulations, sections 34 and 35(1), *Liquor Distribution Act*, section 11]

Authority References

Liquor Control and Licensing Act, sections 73(1) and 38(3)(a); Liquor Control and Licensing Regulations, section 35; *Liquor Distribution Act*, section 11; Liquor Control and Licensing Branch Policy.

7.3 Pricing

Policy Rationale

Control of liquor prices is directed at the conditions that might lead to over-service, over-consumption, and loss of control within a licensed establishment. In general, the price of liquor must not be so low that people are inclined to drink it "like water".

Revised March 2007

Under section 41(3) of the regulations, a price list must be made available to the customers of all licensed establishments.

The minimum specifications for pricing are set out in section 41 of the Liquor Control and Licensing Regulations. The first of these, in section 41(2), includes a requirement that liquor not be provided at unlimited or unspecified quantities for a single price. An exception to this rule is made in section 20 for wineries, breweries, or distilleries providing free samples of their product to taste, provided the tasting takes place in designated sampling rooms within their facilities. Samples may also be consumed in a winery tour or picnic area. Exceptions have also been made with respect to consumption of samples that take place in licensed establishments under section 50.1 of the regulations.[3]

Also under section 41(2)(c) is a requirement that the price of liquor not be altered in the course of the business day. The branch uses this regulation to specifically address 2-for-1, "happy hours", or temporary price reductions in the course of the business day. These practices are thought to encourage over-service and over-consumption. For instance, offering a "loss leader" or lower priced brand of draught beer with the knowledge that it is nearly out of stock, and likely to be substituted by the customer with a higher-priced brand, is viewed very seriously. Indeed, it may be considered as a form of inducement under section 45(2) of the *Liquor Control and Licensing Act*. LRS licensees are exempt from this requirement as altering the price of packaged liquor is unlikely to have the same social impact.

Under the general manager's authority to set the format and pricing formula of price lists, "special price" exceptions have been made for specific occasions. For example, a licensee may offer the products of sponsoring suppliers or their agents during approved theme night promotions or during consumer taste trials[4] at a special price, if approved by the general manager. Additionally, glasses or bottles of champagne or wine may be offered to customers as part of an all-inclusive package price, such as is common for New Year's Eve promotions. Policies have been crafted to govern these occasions so that over-service and over-consumption are not encouraged by the reduced prices.

[3] See chapter 12, Licensee Relationships with Manufacturers

[4] Please see Sections 12.3 and 12.4 in the Licensee Relationships with Manufacturers chapter for more information

Policies

7.3.1. General conditions applying to liquor prices and price lists

Subject to policies 7.3.4 and 7.3.5 below, and unless otherwise specified by the general manager, the following conditions apply to liquor prices and price lists in licensed establishments:

- liquor may not be provided in unlimited or unspecified quantities for a single price
- liquor prices, except for LRS, must be set at the beginning of the day and may not be altered during the business day, as in the practice of "happy hour" sales
- a sales strategy may not be employed if it is likely to promote or encourage intoxication, as in the practice of:
  - "two-for-one" sales
  - circulating with trays of pre-mixed drinks that are not previously ordered by the customer
  - pouring liquor directly into the mouth of a person, and
  - providing free drinks in a volume that could result in over-consumption[5], and
- price lists must be available to customers showing the quantities and corresponding prices for all types of liquor sold in the licensed establishment.

[Liquor Control and Licensing Regulations, section 41]

7.3.2. Pricing and availability of product

A reduced or special price may not be offered on a brand of liquor for which stocks are known to be insufficient when it is likely the customer will accept a higher priced brand as a substitute. Except when a brand is genuinely out-of-stock or unavailable from the supplier, all liquor products identified on the liquor menu should be available to patrons at all times.

[*Liquor Control and Licensing Act*, section 45(2), Liquor Control and Licensing Branch Policy]

7.3.3. Liquor prices in licensee retail stores

Revised March 2007

Liquor prices in licensee retail stores must include the provincial social services tax and must be displayed prominently. LRS operators are permitted to adjust their prices at anytime throughout the business day.

[Liquor Control and Licensing Regulations, section 41(3), *Liquor Distribution Act*, section 8(1), Liquor Control and Licensing Branch Policy]

7.3.4. Liquor prices and Liquor Distribution Branch purchase price

Liquor prices must be at least as much as the original Liquor Distribution Branch purchase price. The licensee, in accordance with the conditions established in policy 7.3.1, may sell at any price above the original Liquor Distribution Branch purchase price.

[Liquor Control and Licensing Branch Policy]

7.3.5. Theme night prices

Licensees of liquor primary licensed establishments may offer special prices on liquor products introduced during the hours of an approved theme night run by the licensed agent of a liquor supplier, under the following conditions:

- the agent may not subsidize the price of the products in any way
- the price of the products must not be below Liquor Distribution Branch price, and must not encourage over-consumption, and

[5] A licensee may occasionally treat customers to a free drink, but multiple drinks that could lead to over-consumption would not be permitted.

- liquor prices and theme night characteristics are subject to the general manager's approval.[6]

[*Liquor Control and Licensing Act*, section 54, Liquor Control and Licensing Regulations, section 41(3), Liquor Control and Licensing Branch Policy]

7.3.6. All-inclusive packages including liquor in the price

The licensees of liquor primary and food primary licensed establishments, winery lounge, picnic and special event areas may offer an all-inclusive package that includes liquor in the price. The amount of liquor to be provided must be specified and not unlimited.

[Liquor Control and Licensing Regulations, section 41(3), Liquor Control and Licensing Branch Policy]

7.3.7. Reference to credit sales on price list

A licensee may sell liquor on credit to a patron with payment made at a later date, as agreed between the licensee and the patron. A licensee may include a reference on the liquor price list to the effect that payment may be accepted by credit card, or by such other credit arrangement as may be offered by the licensee.

[Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 45(2) and 54; Liquor Control and Licensing Regulations, sections 41; *Liquor Distribution Act*, section 8(1); Liquor Control and Licensing Branch Policy.

7.4 Dispensers and Drink Sizes

Policy Rationale

Consumers have to know how much alcohol is in their drinks if they are to judge their alcohol intake. Providing a "yardstick" by which patrons can measure and moderate their intake is an important tool for controlling over-consumption in licensed establishments. At the same time, features such as ensuring that liquor is dispensed from containers that are recognizable as containing a standard amount of alcohol, and ensuring that the amount of liquor contained in the typical mixed drink is consistent, are important in preventing over-service and providing a measure of quality control.

For these reasons, the Liquor Control and Licensing Regulations contain sections addressing both the liquor content of drinks and the containers from which liquor is dispensed. Section 40(1) provides that, as a general rule and unless otherwise authorized by the general manager, all liquor served in licensed establishments shall be dispensed from the original container in which it was purchased. Liquor may also be served from carafes and pitchers, or other containers approved by the general manager, as long as patrons are made aware of the serving size. The general manager has also approved the use of automatic dispensing machines.

Branch policy directs that a "drink" containing distilled liquor may not contain more than three fluid ounces of distilled liquor, or the equivalent in metric measures. Under the general manager's authority to permit liquor to be dispensed from other-than-the-original serving containers, branch policy also permits it to be served in larger containers to two or more patrons, provided the maximum quantity of not more than three ounces per person is maintained. Out of concern for over-service and over-consumption, however, the service of whole bottles of distilled liquor is not permitted.

Additionally, there are some general policies for serving wine and draught beer.[7] The single serving size maximum for wine is .25 litres (or somewhat larger if served with a meal); bottles or carafes may be .25,

[6] See related policies under Theme Night Promotions, section 12.4 in the Licensee Relationships with Manufacturers chapter.
[7] Note: Different serving sizes apply to liquor samples provided during consumer taste trials and theme night promotions or drinks bought by a manufacturer in a licensed establishment. See chapter 12 (sections 12.3, 12.4 and 12.5).

.50 or 1 litre in size; and approved refillable containers may contain not more than 1.5 litres. The single serving size maximum for draught beer is .5 litres, and pitchers and other multiple serving containers of draught beer are to contain no more than 1.5 litres. The multiple serving containers are, of course, intended to be shared by two or more people. Once again, these provisions are meant to hold both consumption and service at appropriate levels within the licensed establishment.

Policies

7.4.1. Serving size and preparation of a "drink" containing distilled liquor

Each drink containing distilled liquor (spirits) shall contain not more than three fluid ounces of distilled liquor, or the metric equivalent (85ml). Liquor must be poured, and mixers added, in full view of patrons.

A person may not be served more than one drink at one time[8]. Drinks may be served in larger containers to two or more patrons, but the maximum of three fluid ounces (85 ml) per person must be maintained. Whole bottles of distilled liquor may not be served, regardless of the number of persons seated at a table.

[Liquor Control and Licensing Regulations, section 40(3) and 41(3); Liquor Control and Licensing Branch Policy]

7.4.2. Container and serving size for wine

Wine may be served in:

- single servings of no more than .25 litres, or larger if served with a meal
- smaller servings of multiple brands, provided the total served at one time is no more than .25 litres
- multiple servings for two or more people in bottles or carafes of .25, .50, or 1 litres, and
- refillable containers of no more than 1.5 litres, provided the licensee receives approval of the dispenser from the Public Health Protection Branch of the Ministry of Health, and provided the dispenser is one that prevents product contamination.

[Liquor Control and Licensing Regulations, section 40(1); Liquor Control and Licensing Branch Policy]

7.4.3. Container and serving size for draught beer

Draught beer may be served in:

- single servings of no more than .5 litres,
- smaller servings of multiple brands, provided the total served at one time is no more than .5 litres, and
- pitchers or other multiple serving containers shared by two or more patrons and containing no more than 1.5 litres of draught beer.

[Liquor Control and Licensing Regulations, section 40(1); Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Regulations, sections 40(1), 40(3), and 41(3); Liquor Control and Licensing Branch Policy.

7.5 Replacement of Faulty Keg or Spoiled Product by Brewer's Agent

Policy Rationale

Kegs of draft beer "on tap" are a common and popular feature in many licensed establishments. Today's kegs are generally sturdy and fitted with reliable tapping mechanisms. If kegs are damaged or contain spoiled product, proprietors may ask the brewer to replace it.

[8] For example, a licensee may not serve patrons drinks "by the tray-load"

Accounting for keg replacements is considered part of the liquor register the licensee is required to maintain under sections 35(3) of the Liquor Control and Licensing Regulations. Failure to account properly for this exchange of "faulty" product may be interpreted as the licensee unlawfully purchasing and selling liquor under sections 38(3) and 39 of the *Liquor Control and Licensing Act*. It may also be interpreted as the manufacturer or their agent giving liquor to a person in a manner other than is provided in the Act, contrary to section 52(3). Finally, it could be considered as evidence of an inducement activity intended to "induce, further or promote the sale of a particular kind, class or brand of liquor" contrary to section 45(1) of the Act.

Policies

7.5.1. System of accounting for faulty keg replacement is part of liquor register

Faulty or damaged kegs, and the system or records used to account for the replacement of these kegs on credit by a brewer's agent, are considered to be part of a licensee's liquor register. A liquor register may be examined by a compliance and enforcement officer, peace officer or other person designated in writing by the general manager.[9]

[Liquor Control and Licensing Regulations, sections 35(3) and 40(2); Liquor Control and Licensing Branch Policy]

7.5.2. Failure to properly account for liquor received or credited through the replacement of a faulty keg

Failure to account for pickup and replacement of a keg by a brewer's agent, may be considered evidence of:

- unlawful sale of liquor
- unlawful purchase of liquor
- inducement activity intended to induce, further or promote the sale of a particular kind, class or brand of liquor, or
- giving liquor to a person in a manner other than is provided in the *Liquor Control and Licensing Act.*

[*Liquor Control and Licensing Act,* sections 38(3), 45(1) and 52(3); Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 38(3), 45(1) and 52(3); Liquor Control and Licensing Regulations, sections 35(3) and 40(2); Liquor Control and Licensing Branch Policy.

7.6 Off-Premises Sales

Policy Rationale

The policies governing off-premises sales of liquor reflect a balance between the branch's two operating principles – public safety and community standards. These sales provide a convenient service to the public in any community, but particularly in small or rural communities with limited access to retail liquor outlets. Unfortunately, off-sales have also, in some instances, been accompanied by over-consumption and related social problems.

By the time of the Jansen Liquor Policy Review in 1987, some local communities were experiencing problems. A number of local police detachments and municipalities reported that it was common for patrons to purchase off-sales product at closing time to "carry on the party", leaving communities to contend with late-night street drinking and rowdiness. The situation led the government to restrict off-sales hours to an 11:00 p.m. closing. Local police reported a substantial decrease in enforcement

[9] Please see related policies under Ordering Liquor.

problems after the restriction was imposed. The 11:00 p.m. closing time applies to all liquor retailers, including government liquor stores and licensee retail stores.

The regulations and policies in place today balance public convenience with other public interest considerations. Section 14 of the *Liquor Control and Licensing Act* provides the general authority for off-premises sales endorsements, and section 47 of the regulations restricts these endorsements to liquor primary and liquor primary club licensed establishments only. Additionally, this section of the regulations sets all of the conditions outlined above, including the 11:00 p.m. cut-off for sales. The over-consumption problems that resulted in the 11:00 p.m. restriction have also led the branch to interpret this regulation to mean that the product must be removed from the premises immediately after it is purchased.

These and other public interest factors related to off-premises sales may be considered at the time of a new licence application, and these sales are one of the issues that a local government or First Nation may consider and comment upon in the form of a local government resolution. Applications for off-sales endorsements on existing licences do not require local government resolutions.

Revised July 2007

Policies

7.6.1. Off-premises sales endorsement

The general manager may endorse a liquor primary licence for off-premises sales provided:

- the licence results from a renewal, amendment or transfer of a licence already endorsed for off premises sales
- a written application for the endorsement was received by the general manager before June 5, 2000, or
- the establishment in respect of which the endorsement is sought is at least 30 kilometres from each of the following:
  - a liquor store, including a rural agency store
  - a licensee retail store
  - an establishment with a licence endorsed for off premises sales.

[Liquor Control and Licensing Regulations, section 47(1)]

7.6.2. Consideration of local issues

The general manager may consider whether a local government resolution supports a request for off-premises sales at the time of a new licence application. In addition, the general manager may require the applicant to demonstrate that the public need and convenience would be served by endorsing the licence for off-premises sales.

Revised July 2007

[*Liquor Control and Licensing Act*, section 14; Liquor Control and Licensing Branch Policy]

7.6.3. Hours of sale

Off-premises sales are only permitted before 11:00 p.m. during the hours of sale permitted on the licensee's licence. All product purchased for off-premises consumption must be removed from the premises immediately after the sale is completed. Product may not be stored in the establishment for a customer, either within or outside the licensed area.

[Liquor Control and Licensing Regulations, section 47(2)(a) and (b); Liquor Control and Licensing Branch Policy]

7.6.4. Types of liquor sold

Off-premises sales may include the following types of liquor:

- wine

- domestic and imported beer
- draught beer
- cider, and
- coolers.

[Liquor Control and Licensing Regulations, section 47(2)(c)]

7.6.5. Place of off-premises sales within the licensed establishment

The following conditions apply to the sale of packaged liquor within licensed establishments with off-premises sales endorsements:

- sales must be made from the primary service bar area, unless the general manager approved a different area (sales counter)for off-premises sales prior to June 5, 2000
- self service sales are prohibited
- packaged liquor must be stored behind the service bar (or sales counter), and
- packaged liquor is not permitted in the public red-lined area until the sale is completed and must be removed from the premises immediately thereafter.

[Liquor Control and Licensing Regulations, section 47(2)(d) and 47(3)]

Authority References

Liquor Control and Licensing Act, section 14, Liquor Control and Licensing Regulations, section 47; Liquor Control and Licensing Branch Policy.

7.7 Special Conditions

Policy Rationale

Individual licensed establishments vary greatly from one another. Nevertheless, for the most part, liquor licensing regulations and policies apply generally, across a broad cross section of establishment types. Some "special conditions", however, do apply to a number of establishments because of their unique character. These include: clubs, golf courses with kiosks, take-out windows and beverage carts, motor vessels, room service and mini-bars in establishments offering overnight accommodation, concert halls, curling clubs, golf course facilities, recreation centres, stadiums and downhill ski resort areas.

Revised November 2008

Clubs

The statutory provisions that apply to clubs can be found in sections 1, 24, 25 and 27 of the *Liquor Control and Licensing Act,* and section 52 of the regulations. These provisions largely relate to the sale o liquor to club members and guests, the management of guests, and the management of liquor for personal consumption by club members.

An understanding of the way a club is defined in the Act is key to an understanding of the rationale for these provisions. First of all, the definition of "club" in section 1 of the Act sets the standard eligibility criteria for club licences, in terms of a minimum number of members, minimum membership fee and primary operating purpose. Clubs are understood as not operating primarily for profit, and liquor sales are restricted by section 25 of the Act to actual club members and their guests. As a result of these provisions, a club is not generally considered to be a public place in the sense that other establishments are public places. A club, by definition, must have members, and all clubs restrict access to members and guests accompanied by members only. Licensees must control entry into their licensed areas by maintaining a daily record of the names and addresses of all guests and their member hosts.

As a result of these legislated distinctions between clubs and other licensed establishments, and the safeguards that are established by policy to control liquor service, clubs are eligible under section 27 of the Act, at the discretion of the general manager, to hold liquor for the personal consumption of club

members. The general manager may also approve the sale of liquor to members and their guests in certain locations outside the licensed area.

Golf Course Kiosks, Take-out Windows, and Beverage Carts

A liquor primary licence can be issued for the playing area of a golf course which permits the sale and service of liquor from a kiosk, take-out window or beverage cart. There is no requirement that a licensee also operate an interior liquor primary lounge. Special conditions apply to liquor sales and service from golf course kiosks, take-out windows, and beverage carts, in this case established under the general manager's broader authority to set licence terms and conditions under sections 12(2) and 12(3) of the Act. Since the licensee's ability to supervise patron behaviour over such a large area is difficult, the rules for liquor service in the playing area of a golf course are fairly restrictive. The conditions set out in the policy below relate to both the responsibilities of the licensee and servers from kiosks, take-out windows, or beverage carts, as well as to the areas of the golf course where liquor may be consumed or carried. Special outdoor signage requirements also apply when liquor service is available by these means.

Motor Vessels

Special conditions apply to liquor sales and service on motor vessels, again established under the general manager's broader authority to set licence terms and conditions under section 12 of the Act. The conditions for motor vessels were established to accommodate the circumstances of a particular category of motor vessel, including cruise ships or larger motor vessels that ply scheduled routes or travel from one destination to another. The intent is also to recognize that some charter vessels provide a service that, while primarily marine oriented, is consistent with the services provided by other sectors of the hospitality industry (for example, luncheon and dinner cruises), and may therefore be appropriate for licensing.

To ensure that motor vessel licensing is in the public interest, and recognizing the difficulties of controlling patrons when the licensee has a limited ability to eject unruly or intoxicated persons, the policy gives special consideration to providing for the safety of passengers who have consumed alcohol. These requirements are incorporated into federal safety standards for the type of boat transportation being offered. As a condition of the liquor licence, the licensee must demonstrate that these standards have been met.

All liquor must be purchased through a designated liquor store or other person approved by the Liquor Distribution Branch. This legislated requirement for all licence classes is explicitly stated in the motor vessel policy to clarify that liquor cannot be purchased at American ports for service during the cruise or tour, unless otherwise approved by the general manager.

Finally, the special conditions that apply to motor vessels permit liquor service at dockside for a maximum of up to one hour prior to departure and one hour after the end of the trip. If dockside service beyond these times is contemplated, the licensee must first obtain a resolution from the appropriate local government or First Nation. The general manager, in deciding whether to authorize the extended liquor service hours, then takes this resolution into consideration. This limitation is in effect because of the potentially negative effects liquor service may have on communities. The policies set out below reflect the view that the purpose of licensing is to permit liquor service while the vessel is underway, and that, with the exception of the one hour service prior to departure and after the vessel's return, liquor sales and services in the community can be provided by means other than dockside liquor service.

Room Service

Room service policy is entirely crafted around section 48(1) of the Liquor Control and Licensing Regulations. This section permits a licensed establishments offering overnight accommodation to provide room service sales to guests, on the condition that the type of liquor sold is permitted by the terms of the licence and that sales take place only during the licensed hours of operation.

These requirements, like those for off-premises sales, strike a balance between public convenience and the public safety concern that the community must be safeguarded from the effects of inappropriate

alcohol sales and irresponsible consumption. The intent of the room service regulations and policy is to allow people to enjoy a drink in their temporary residences, just as they would in their homes. Nevertheless, all terms and conditions of the hotel liquor licence apply, and the onus remains on the licensee to ensure that minors are not served with liquor and that liquor is served in a responsible manner.

Mini-bars

The rationale for mini-bars is closely related to that for room service. Both mini-bars and room service extend the licensed area into the hotel rooms of registered guests who are of legal age. For mini-bars, this is done under authority of section 48(2) of the regulations, and under the general manager's authority under section 12(3)(b) of the Act to "... designate the areas of an establishment, both indoor and outdoor, where liquor may be sold and served". At a hotel, for example, the hotel guest is, in effect, "served" with a stocked mini-bar when the hotel provides the guest with a key to the mini-bar. The key is given to the guest under the proviso that access to the mini-bar is extended only to registered guests over the age of 19 years. When checking out, the guest "returns" the unused portion of the mini-bar by returning the key, and pays for any items that were consumed.

As with room service, the intent is to enable a hotel guest to enjoy a drink in his or her "home away from home". Also, as for room service, mini-bars are permitted only in licensed establishments offering overnight accommodation. Mini-bars provide consumption controls by offering single serving mini-bottles, as well as snacks, and by selling the products at prices that are generally somewhat higher than in the establishment's lounge or dining room.

Stadiums

The sale or service of spirits is prohibited in stadiums under the general manager's authority in section 12(3)(b) of the Act. The remainder of the special conditions that apply to stadiums are largely addressed under section 49 of the regulations.

To ensure the safety of spectators in stadiums, this section specifies that liquor may be served only in plastic, paper or other disposable containers — unless the general manager expressly authorizes some other type of container for use in the stadium. Also, so that liquor sales or service is not inappropriately associated with an activity or event taking place at a stadium — for example, a sporting event in which the participants are children or youths, or entertainment which appeals largely to children — the regulations stipulate that the organizer or promoter sponsoring the event must give their written consent for the stadium to sell liquor during their event. Stadium licensees may also apply to the general manager for permission to have vendors in the stands (hawkers). The same rules apply for vendors selling and serving alcohol in the stadium stands as for other staff serving liquor in the stadium. In addition, hawkers must not be minors and must not be paid on a commission basis. Finally, out of consideration of non-drinking spectators, specific areas of the stadium's tiered seating must be designated as areas where the possession and consumption of liquor is not allowed. These "dry" areas must consist of a reasonable choice of seats within the range of ticket prices offered at the stadium, and they must be consistent in numbers to the level of demand for seats of this kind in the stadium.

Stadiums and Concert Halls — Tied House Exemption

One other special condition applies to stadiums, and, in this case, also to concert halls. Stadiums and concert halls are eligible for a unique exemption from the tied-house prohibition that has been crafted in special recognition of liquor industry sponsorship of sporting and cultural events.

Under section 50 of the regulations, licensees in stadiums and concert halls of a specific size — and provided they are primarily oriented to provincial, national, or international events involving adults or professionals — may jointly apply with a liquor supplier for the general manager's permission to enter into a "financial arrangement". If approved, and depending on any other terms and conditions the general manager may wish to impose, this arrangement may result in up to 90% of a designated category of liquor to be from one supplier. A "designated category of liquor" may be draught beer, bottled beer, cider and

coolers, wine, or — if in a concert hall — spirits. The remaining 10% of the liquor must be purchased from one or more different suppliers, and may not be subject to this type of financial arrangement.

The policy below provides the details of this type of arrangement, and specifies the required information that must be included in a joint application for this arrangement by the liquor supplier and the licensee of the licensed establishment.

Brew pubs — Tied House Exemption

There is another exemption from the tied-house prohibition — in this case, for brew pubs. Under section 18(3)(a) of the Act, the prohibition against tied houses does not apply to the licensee of "a brew pub and an establishment … that is operated in conjunction with and at the same site as the brew pub, with respect to liquor manufactured on the premises". In order for the exemption to apply, therefore, a brew pub must be located on the same site as a small brewery, and the owner must own both the brewery and the licensed establishment. The exemption also applies to other licensed establishments at the same site. Product from the brewery could, then, be sold at any of these establishments, provided all the establishments are operated by and located at the same site as the brewery.

Product from the brewery can also be sold through liquor stores, and to other licensed establishments, provided the tied house rules are observed. The tied house exemption does not permit the brew pub operator to have an association or connection with, or a financial interest in, a licensed establishment not operated in conjunction with and on the same site as the brewery. A non-permissible, tied house relationship would, then, include arrangements such as the following:

- ownership interests where there is some common ownership between the brew pub and the licensed establishment; this would include not only complete common ownership, but also shareholders common to both the brew pub and the licensed establishment
- familial ties within the ownership structure of the brew pub and the licensed establishment
- financial interests existing between the brew pub and the establishment; this would include all financial interests, such as loans or guarantees for loans between the brew pub and the licensed establishment
- landlord-tenant relationships between brew pub and a licensed establishment
- contractual agreements between a brew pub and a licensed establishment, and
- common management, in whole or in part.

Section 18(2) of the Act requires that, if a brew pub proposes to sell product to a licensed establishment not on the same site as the brew pub, a relationship such as those described above must first be disclosed to the general manager. The general manager will assess the relationship to determine whether or not, in the particular circumstances of the brew pub and the licensed establishment, it is probable that the licensee of the licensed establishment will promote the sale of the brew pub's products. If the general manager determines that this is probable, then the general manager shall not permit the brew pub's product to be purchased and sold by that licensed establishment.

Licensed area of a curling club, golf course facility, recreation centre, and stadium – Exemption Endorsement to Permit Minors

Revised November 2008

A pilot project will permit minors into liquor primary and liquor primary club establishments located in curling clubs, golf course facilities, recreation centres, and stadiums with special terms and conditions and provided they have approval from the general manager. Section 9 of the regulations permits minors in a liquor primary establishment on an exception basis if they are entertainers or if, as is the case with licensed establishments located in curling clubs, golf course facilities, recreation centres, and stadiums, the general manager determines the exception to be in the public interest.

Minors are often involved in sports and recreational activities, and in most curling clubs, golf course facilities, recreation centres, and stadiums the lounge area provides the only space for larger groups

together. It is desirable for minors to be included in pre or post game analysis, most of which, by necessity, takes place in the lounge area of a curling club, golf course, recreation centre, or stadium. Furthermore, permitting minors into the licensed areas in these circumstances allows families to remain together while they attend the same facility.

The terms and conditions under which curling clubs, golf course facilities, recreation centres, and stadiums may permit minors to enter their licensed area include the following:

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- Minors must leave the licensed premises no later than 10:00 p.m.
- Signage must be placed in a prominent location within the establishment that reads "Minors are permitted until 10:00 p.m."
- Adult entertainment, if offered, does not commence until after 10:00 p.m.
- Minors will only be permitted into the licensed area of a curling club, golf course facility, recreation centre or stadium when the facility is open and actively functioning for recreational purposes on a day-to-day basis and is being used for sports, sports-related, or recreational activities only. For example, in the case of a seasonal recreation facility, minors would not be permitted in the separate liquor-primary or liquor-primary club licensed establishment during the off-season.

The approval, if granted, shall be for a period ending not later than December 31, 2009.

Downhill Ski Resort Areas – Exemption Endorsement to Permit Minors

The last set of special conditions for licensed establishments specify the terms under which liquor primary establishments located at downhill ski resort areas may permit minors to enter the premises. These are established under section 12 of the Act which provides the general manager broad authority to set licence terms and conditions. Section 9 of the regulations permits minors in a liquor primary establishment on an exception basis if they are entertainers or if, as is the case with downhill ski resort area establishments, the general manager determines the exception to be in the public interest.

Many downhill ski resort areas in BC are world-renowned tourist destinations. This licence endorsement responds to the unique characteristics of establishments in these areas, specifically, that that they exist to serve the skiing community. Unlike urban communities, some of these areas may provide only limited food and beverage services for visitors travelling with their children.

The terms and conditions support the policy intent to provide convenient après-ski food and beverage options for visiting families while preserving regulations that are effective in protecting public safety. In addition to requiring that a parent or adult guardian accompany minors, the policy requires that signage be placed in a prominent location within the establishment that states, "Minors are permitted until 8:00p.m." Adult entertainment, if offered, cannot begin until after 8:00 p.m.

Policies

7.7.1. Conditions for liquor sales and service in clubs

The following general terms and conditions apply to a liquor primary club licence:

- liquor may be sold or served only to club members and their guests
- entry into the licensed area of the club must be controlled by maintaining a register of the names of all guests, the name of the member accompanying each guest, and the date the guest is in attendance
- only persons who are club employees, members, or registered guests are permitted in the licensed area of the club.

In addition, the general manager may attach the following specific conditions to a liquor primary club licence:

- members are required to secure all liquor kept by members for personal consumption while on the premises in personal lockers when not being consumed

- bar and food service may not be catered or provided by subcontract, and
- such other terms and conditions as may be imposed in the public interest.

[*Liquor Control and Licensing Act,* sections 12(3) and 27; Liquor Control and Licensing Regulations, section 52]

7.7.2. Conditions for liquor sales and service from golf course kiosks, take-out windows, or beverage carts

The following general terms and conditions apply to liquor sales and service from kiosks, take-out windows, or beverage carts at golf courses:

- golf course applicants/licensees must notify the Liquor Control and Licensing Branch of their intention to serve liquor to patrons from a kiosk, take-out window, or beverage cart
- a golf course must have a liquor primary licence to serve liquor from a kiosk, take-out window, or beverage cart
- one beverage cart is permitted for every nine holes on a golf course
- persons serving liquor on the playing area of the golf course must be employed by the licensee of the liquor primary licensed establishment, be at least 19 years of age, and have successfully completed *Serving It Right: The Responsible Beverage Service Program*
- liquor purchased for consumption on a golf course must not be consumed or carried in areas other than the playing area[10] or the liquor primary area
- the licensee is responsible for ensuring that patrons do not bring their own liquor onto the course
- liquor service may be offered only during the hours stated on the liquor licence
- during the hours of liquor service, snacks and non-alcoholic beverages must be available for sale at reasonable prices
- rules pertaining to the availability of liquor service from beverage carts, kiosks, and take-out windows are to be posted before the first tee box where patrons can see them
- signs must be posted at the tee box one hole before a roadway crossing notifying golfers that they are not to consume or hand-carry beverages containing alcohol while crossing public roads in a golf cart[11], and
- such other terms and conditions as may be imposed in the public interest.

[*Liquor Control and Licensing Act,* sections 12(2) and 12(3); Liquor Control and Licensing Branch Policy]

7.7.3. Conditions for liquor sales and service on motor vessels

In addition to such other terms and conditions as may apply to a liquor primary licence, the general manager may attach the following conditions to the liquor primary licence of a motor vessel:

- federal safety standards for the type of boat transportation offered must be met
- liquor kept on board must be ordered through a designated liquor store or other person approved by the Liquor Distribution Branch, unless otherwise approved by the general manager[12]
- dockside liquor service offered more than one hour before sailing and after the end of the boat transportation provided will be as authorized by the general manager, taking into account a resolution of the local government or First Nation[13], and

[10] The playing area does not include practice areas such as the driving range or the putting green.

[11] A golf cart, on a public roadway, is considered to be a motor vehicle. Under the *Motor Vehicle Act*, the driver of a motor vehicle is prohibited from having access to open liquor.

[12] See related discussion and policy under Ordering Liquor earlier in this chapter.

[13] If dockside liquor service is proposed beyond one hour before sailing or after the end of the boat transportation provided, a resolution from local government or First Nation commenting on the request must first be obtained. The general manager will then take into account any comments provided by the local government or First Nation in determining whether it is in the public interest to permit dockside liquor service for the longer period requested.

- such other terms and conditions as may be imposed by the general manager in the public interest.

[*Liquor Control and Licensing Act,* section 12(3); Liquor Control and Licensing Branch Policy]

7.7.4. Conditions for liquor sales and service through room service

In addition to such other terms and conditions as may apply to a licence, a licensed establishment offering overnight accommodation to registered guests may sell and serve liquor to registered adult guests in their room, provided:

- sale and service is only during the hours of liquor service allowed on the licensee's licence
- the types of liquor sold and served in this way are allowed for sale and service by the terms and conditions of the licence,
- the establishment offers room service meals to registered guests, and
- the licensee complies with such other terms and conditions as may be imposed by the general manager in the public interest.

[*Liquor Control and Licensing Act,* section 12(3); Liquor Control and Licensing Regulations, section 48(1)]

7.7.5. Conditions for liquor sales and service through mini-bars

Unless restricted from doing so by the terms and conditions of its licence, an establishment with a liquor primary licence offering overnight accommodation to registered guests may provide a mini-bar service through which liquor may be purchased at any time in guest rooms. In addition to such other terms and conditions as may apply, the general manager may attach the following conditions to the liquor primary licence of an establishment providing mini-bar service:

- key access to locked mini or portable bars is only extended to registered guests over the age of 19 years, and
- such other terms and conditions as may be imposed in the public interest.

[*Liquor Control and Licensing Act,* section 12(3)(b); Liquor Control and Licensing Regulations, section 48(2); Liquor Control and Licensing Branch Policy]

7.7.6. Conditions for liquor sales and service in stadiums

In addition to such other terms and conditions as may apply to a liquor primary licence, the general manager may attach the following conditions to the liquor primary licence of a stadium:

- sale or service of spirits is prohibited unless otherwise authorized by the general manager
- sale or service of liquor in the stands is permitted only if authorized by the general manager
- beverages must be served in plastic, paper or other disposable containers, unless otherwise authorized by the general manager
- liquor must not be sold at an activity or event without the written consent of the organizer or promoter sponsoring the activity or event
- stadium vendors (hawkers) must not be paid on a commission basis
- hawkers must not be minors, and
- areas of the stadium's tiered seating area are designated as areas where the possession and consumption of liquor is not allowed; unless otherwise authorized by the general manager, these areas must:
  - consist of a reasonable choice of seats within the range of ticket prices offered at the stadium, and
  - are each of a size appropriate to the level of demand for seats in those areas of the stadium.

[*Liquor Control and Licensing Act,* section 12(3)(b); Liquor Control and Licensing Regulations, section 49; Liquor Control and Licensing Branch Policy]

7.7.7. Exemption from the prohibition against tied houses for stadiums and concert halls

A liquor supplier and the liquor primary or food primary licensee of an eligible stadium or concert hall may jointly apply to the general manager for permission to enter into a financial arrangement. Eligible stadiums or concert halls will be primarily oriented to provincial, national or international events, involving adults or professionals, and:

- in the case of a stadium, have a minimum of 5,000 permanent fixed seats (or lower if approved by the General Manager), and
- in the case of a concert hall, have a minimum of 1,500 permanent fixed seats.

If approved, and subject to such other terms and conditions as the general manager may impose, the exemption may permit an arrangement in which up to 90% of a designated category of liquor[14] is from one supplier in exchange for payment from that supplier. The remaining 10% must be purchased from a different supplier or suppliers and may not be subject to this type of financial arrangement.

An application for an exemption must be made jointly by the liquor supplier and the licensee of the licensed establishment, and must include the following:

- the proposed terms of the arrangement including the liquor product categories to be impacted; the maximum percentage of sales in that category to which both parties have agreed; brand or corporate signage to be placed in the establishment; and any other proposed arrangements;
- the proposed date that the arrangement is to come into effect and, if applicable, its proposed end date; and
- a proposal for the display throughout the facility of responsible use messaging that is not associated with a liquor supplier.

[*Liquor Control and Licensing Act,* section 12(3)(b); Liquor Control and Licensing Regulations, section 50; Liquor Control and Licensing Branch Policy]

7.7.8. Application of tied house rules to brew pubs

Under 18(3) of the Act, liquor manufactured on the premises of a brew pub may be sold in a liquor primary and/or food primary establishment that is operated in conjunction with and at the same site as the brew pub. Where an association, connection, or financial interest exists between a brew pub and an establishment not operated in conjunction with and at the same site as the brew pub, and the brew pub intends to sell liquor products to the establishment, the brew pub operator and the licensee of the establishment must disclose the relationship to the general manager.

Upon receipt of a statement disclosing the relationship between a brew pub and licensed establishment, the general manager will:

- assess the nature of the relationship[15], and
- make a determination about whether the licensee is likely to promote the sale of the manufacturer's liquor products.

If the general manager determines that the licensed establishment is likely to promote the sale of the manufacturer's liquor products, the general manager shall not permit the brew pub's product to be purchased and sold by that licensed establishment.

[*Liquor Control and Licensing Act,* sections 18(2), 18(2.1), and 18(3); Liquor Control and Licensing Branch Policy]

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[14] A designated category of liquor may include any of the following: draught beer, bottled beer, cider and coolers, wine, or spirits.

[15] See Policy Rationale for a list of the circumstances that would constitute a tied house relationship between a brew pub and a licensed liquor primary establishment, and would therefore oblige the general manager to disallow the sale of a brew pub's product to be purchased and sold by a licensed establishment.

7.7.9 Downhill ski resort areas – exemption endorsement to permit minors

The following conditions apply to the liquor primary licence of an establishment, located at a downhill ski resort area, for which the general manager has approved an endorsement to permit minors:

- minors are accompanied by a parent or adult guardian
- minors leave the premises no later than 8:00p.m.
- signage is placed in a prominent location within the establishment that reads "Minors are permitted until 8:00p.m. when accompanied by a parent or guardian", and
- adult entertainment, if offered, is not provided until after 8:00 p.m.

[*Liquor Control and Licensing Act,* sections 12(2), 12(3), and 12(6), Liquor Control and Licensing Regulations, section 9(a)(ii), and Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 12(2), 12(3), 12(6),18(2), 18(2.1), 18(3), 25 through 27, and 39; Liquor Control and Licensing Regulations, section 9 (a)(ii), 48(1), 48(2), 49, 50 and 52; Liquor Control and Licensing Branch Policy.

7.8 Sacramental Wine

Policy Rationale

Section 63 of the *Liquor Control and Licensing Act,* permits a minister of religion to import wine from outside British Columbia for consumption in British Columbia for sacramental purposes. Further, section 63 permits 2 or more ministers of religion to import wine jointly from outside British Columbia for consumption in British Columbia, to be kept in common stock, used, divided and distributed among them for sacramental purposes. In addition Federal legislation permits the importation of intoxicating liquor for sacramental purposes.

Liquor imported into British Columbia for sacramental purposes is exempt from all federal excise taxes and is mark-up exempt. Sacramental wine that is sourced from within British Columbia is also given mark-up exemption status. Both provincial and federal legislation recognize that wine used for sacramental purposes is unique and deserves special status under liquor control regimes. Along with this special status, and its associated tax and mark-up exemptions, certain controls are put in place to ensure that sacramental wine is used for its intended purpose. These controls are designed to maintain the integrity of the liquor control system and to ensure that sacramental products are not sold for the personal use or consumption of any person.

Revised Sept 2007

Policies

7.8.1. Ministers of religion

Sacramental wine may only be used by, or sold to, members of the clergy such as priests, ministers, rabbis, or the official representatives of such persons.

[*Liquor Control and Licensing Act*, section 63, Liquor Control and Licensing Branch Policy]

7.8.2. Religious ceremonies in a regular place of worship

Sacramental wine may only be used in, or sold for, religious ceremonies conducted by persons authorized to preside at such ceremonies in a regular place of worship such as a church, temple, or synagogue.

[*Liquor Control and Licensing Act*, section 63, Liquor Control and Licensing Branch Policy]

7.8.3. Social events associated with or ancillary to religious ceremonies

Sacramental wine must not be used, sold for use, or consumed at any social events, including social events or occasions associated with or ancillary to religious ceremonies whether held on or off church,

temple, or synagogue premises. Social events include, without limitation, wedding receptions, baptisms, confirmations, first communion ceremonies, bar mitzvahs, Seders and ordinations.

[*Liquor Control and Licensing Act*, section 63, Liquor Control and Licensing Branch Policy]

7.8.4. Personal consumption

Sacramental wine must not be used, or sold, for the personal consumption of any person.

Revised Sept 2007

[*Liquor Control and Licensing Act*, section 63, Liquor Control and Licensing Branch Policy]

7.8.5. Bonafide church suppliers

An agency store appointment may be issued by the Liquor Distribution Branch to a bonafide church supplier. This appointment authorizes the sale of sacramental wine to ministers of religion and to other bonafide church suppliers.

[*Liquor Control and Licensing Act*, section 63, Liquor Distribution Act, section 18(5), Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, section 63, Liquor Distribution Act, section 18(5), Liquor Control and Licensing Branch Policy.

SECTION 8: Management and Control of a Licensed Establishment

8.0 Introduction

This chapter covers topics relating to how establishments licensed by the Liquor Control and Licensing Branch are managed and controlled. The policies and practices discussed here are, generally, the techniques the branch uses to encourage responsible management of licensed establishments.

These and related issues are discussed in this chapter under the headings:

- General Consumption
- Consumption by Employees
- Management of Patron Conduct, and
- Serving It Right Program.

8.1 General Consumption

Policy Rationale

Intoxication in a public place is an offence under the *Liquor Control and Licensing Act*. To ensure that liquor service practices do not encourage people to become intoxicated, the Act and regulations specify certain conditions under which liquor can be consumed in a licensed establishment. More to the point, they specify conditions under which it *is not* to be consumed.

Under section 43 of the Act, liquor may not be served or sold to anyone who is either intoxicated or apparently under the influence of alcohol. This section also requires that owners and staff of licensed establishments are not to allow a person to become intoxicated, or to allow an intoxicated person to remain in any part of the establishment covered by the liquor licence.

In keeping with this section of the Act, sections of the Liquor Control and Licensing Regulations ensure that licensees have control over when and how liquor will be consumed in their establishments. Section 44(3) requires that, unless authorized by the general manager, licensees or their staff must not allow patrons to consume liquor later than 1/2 hour after the time stated on the licence for the hours of liquor service. Closing time for licensed establishments is typically the same as the time at which liquor service must end, as stated on the face of the licence, except in the case of restaurants and winery lounges or tour areas. Restaurants have the option of remaining open 24 hours a day, although liquor consumption is limited to the hours stated on the face of the licence. Winery lounges or tour areas may remain open longer than their licensed hours when the facility overlaps a tasting room.

Under section 42, patrons are not allowed to drink liquor that has been purchased elsewhere, and licensees must ensure that liquor purchased elsewhere is not consumed in their establishment. Furthermore, licensees must ensure that the liquor they sell is not taken off their premises, with two exceptions: a bottle of unfinished wine may be taken from the establishment, provided the licensee seals the bottle before it is taken away by the patron; and liquor sold for off-premises consumption, as permitted by the Act, regulations, and the terms and conditions of the licence.

Both compliance and enforcement officers and the police can enforce these provisions of the Act and regulations. Other than, or in addition to any actions the police may take, the policies below specify that

the general manager may take action[1] if the licensee does not observe these liquor consumption rules. They also specify a range of exceptions or variations to these consumption rules, including liquor in washrooms, room service, mini-bar service, clubs, and winery lounges and tour areas.

Policies

8.1.1. Intoxicated patrons

The general manager may take action against a licensee if the licensee or an employee:

- sells or gives liquor to an intoxicated person or a person apparently under the influence of alcohol, or
- permits an intoxicated person to remain in any part of a licensed establishment where liquor is sold, served or otherwise supplied.

[Liquor Control and Licensing Act, section 43]

8.1.2. Control of liquor consumption in licensed establishment

Except in the instances specified in policies 8.1.3 and 8.1.4, the general manager may take action against the licensee of a liquor primary or food primary licensed establishment if the licensee or an employee:

- allows patrons to consume liquor in the licensed establishment beyond 1/2 hour after the time stated on the licence for the hours of liquor service
- permits liquor not purchased in the licensed establishment to be consumed there
- permits liquor purchased in the licensed establishment to be taken from there, unless
  - the liquor is a bottle of wine that is unfinished by a patron and sealed by the licensee before being taken by that patron from the licensed establishment, or
  - the liquor is sold for consumption off premises in accordance with the requirements of off-premises sales[2].
- if in a food primary establishment, does not ensure that liquor is taken from patrons within ½ hour after the time stated on the licence for the hours of liquor service, unless the liquor is a bottle of wine sealed in the above manner, or
- if in a liquor primary establishment, permits patrons to remain in the licensed establishment longer than ½ hour after the time stated on the licence for the hours of liquor service, or any longer time authorized by the general manger.

[Liquor Control and Licensing Regulations, sections 42(2), 42(4), 44(1), and 44(3)]

8.1.3. Liquor in Washrooms

Patrons are permitted to take their drinks into the washroom of a licensed establishment, provided:

- the entrance to the washroom is located immediately adjacent to the licensed area in which liquor consumption is permitted
- patrons are not required to walk through an unlicensed area to enter the washroom, and
- the licensee adequately supervises the activity of patrons in the washroom.

[*Liquor Control and Licensing Act*, section 12(2); Liquor Control and Licensing Branch Policy]

8.1.4. Conditions for consumption outside the licensed area in liquor primary establishments

In the following liquor primary establishments and specified circumstances, liquor may be consumed outside the area designated for liquor consumption:

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[1] The range of actions the general manager may take for non-compliance with these and other provisions of the Act and regulations is detailed in section 20 of the *Liquor Control and Licensing Act*.

[2] For further information see section 7.6 Off-Premises Sales.

- licensed establishments offering overnight accommodation to registered guests in their rooms[3], provided this service is
  - during the hours of sale permitted by their liquor licence and is of the types of liquor that can be sold under the terms and conditions of the licence, and provided the establishment also offers room service meals to registered guests, or
  - a mini-bar service through which liquor may be purchased at any time in guest rooms, unless restricted from doing so by the terms and conditions of the licence, and
- clubs, provided the general manager has authorized the sale of liquor for consumption by members and their guests outside the licensed area or off the premises.

[*Liquor Control and Licensing Act,* section 27(b); Liquor Control and Licensing Regulations, section 48]

8.1.5. Conditions for the removal of unfinished bottles of wine

Patrons of a licensed establishment may take away an unfinished bottle of wine, provided the licensee places a new cork or other type of new stopper in the bottle.

The licensee is responsible for informing the patron of the requirements for transporting liquor in a vehicle. The sealed bottle of wine must be placed out of reach of any person in the vehicle, such as behind the rear seat, in the trunk, or in an exterior compartment.

[Liquor Control and Licensing Regulations, section 42(4)(a); Liquor Control and Licensing Branch Policy]

8.1.6. Conditions for on-premises liquor consumption in licensee retail stores

Consumption of liquor within a licensee retail store is prohibited, except as authorized by the general manager.[4]

[Liquor Control and Licensing Regulations, section 14(1)(g).]

Revised April 2008

8.1.7. Conditions for liquor consumption in winery endorsement areas

A winery lounge may be located in whole or in part in:

- an area designated as a winery sampling room, and/or
- an on-site winery agency store.

A winery tour area may be located in whole or in part in:

- an area designated as a winery sampling room, and/or
- an on-site winery agency store.
- a winery lounge or any other endorsement area

A winery special event area may be located in whole or in part in:

- an area designated as a winery sampling room, and/or
- an on-site winery agency store.
- a winery lounge or any other endorsement area

Revised April 2008

Where a winery lounge, tour area, or special event area overlaps an agency store and sampling area, the provision of complimentary samples, the sale of packaged liquor and the sale of wine or cider by the glass may all occur within that part of the lounge, tour area, or special events area that overlaps the sampling and store areas.[5] The responsibilities of the licensee relating to the control of liquor consumption in a

Revised April 2008

[3] See also 7.7 Special Conditions for additional information about room service and mini-bar service.
[4] See exceptions for consumer tasting events held in licensee retail stores in 12.3 Consumer Tastings.
[5] If the licensed area is designated as a lounge, tour area, or a special event area and a sampling area, it may also be used for complimentary sampling of winery products outside the normal hours of operation of the lounge, tour area, or special event area provided the maximum capacity

licensed winery lounge, special event area, picnic, or tour area are otherwise the same as those that apply generally to liquor primary licensed establishments.

Revised April 2008

Special event areas are intended to be event driven only – not an extension or alternative to a winery lounge. Where a special event area overlaps a picnic area the sale and service of wine or cider by the glass may occur during special events only. At all other times the sale of service of liquor is not permitted in a picnic area.

[Liquor Control and Licensing Regulations, section 18(2); Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 12(2), 27(b), and 43; Liquor Control and Licensing Regulations, sections 14(1)(g), 18(2), 42(2), 42(4), 44(1), 44(3), and 48; Liquor Control and Licensing Branch Policy.

8.2 Consumption by Employees

Policy Rationale

Certain sections of the *Liquor Control and Licensing Act* and Regulations are intended to reduce pressure to drink excessively – that is, anything that might cause a person to drink more than they should, or even to the point of intoxication. Among other things, they also convey the message that alcohol and good judgment don't mix. These provisions apply as much to the employees in licensed establishments as they do to customers – perhaps even more so, because employees are responsible for enforcing responsible drinking behaviour in the establishment. For these reasons, section 42(3) of the Liquor Control and Licensing Regulations directs licensees and their employees not to consume liquor while working.

When not on duty, an employee is considered a regular customer for liquor service purposes, although they may enjoy discounts on food menu items or other special privileges as employees of the establishment. Therefore, when it comes to liquor, the same rules apply to the off-duty employee as apply to other customers. They may not purchase liquor at a reduced price or be given it free of charge in a volume that could result in over-consumption[6]. Employees who drink in the establishment after work must not be minors and they may only be served and consume liquor during the hours of sale allowed by the establishment's liquor licence. Finally, liquor may not be offered to employees in lieu of wages or a bonus.

Policies

8.2.1. Licensee and employee consumption of liquor while working

The general manager may take action against a licensee if either the licensee or the employees of a licensed establishment are found to be consuming liquor while working on the licensed premises.

[Liquor Control and Licensing Regulations, section 42(3)]

8.2.2. Employee consumption of liquor after work

An employee who has completed a full work shift may remain in the premises and consume liquor under the following conditions:

- liquor may not be offered to the employee in an unlimited or unspecified quantity for a single price, or at a different price from that offered to patrons
- the employee must be of legal drinking age

Revised April 2008

established for that area is not exceeded, and the sampling occurs within the posted hours of operation of the sampling room. Sample-sized glasses of product may not be sold in the area designated only for a winery lounge, tour area, or special event area if the time is outside the lounge's, tour area's, or special event area's posted hours of operation.

[6] This requirement is also related to stipulations about pricing (see 7.3 Pricing).

- liquor may only be served and consumed during the hours of sale indicated on the face of the licence
- liquor may not be offered to the employee in lieu of wages or a bonus.

[*Liquor Control and Licensing Act*, section 33; Liquor Control and Licensing Regulations, sections 41 and 44; Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, section 33; Liquor Control and Licensing Regulations, sections 41, 42(3), and 44; Liquor Control and Licensing Branch Policy.

8.3 Management of Patron Conduct

Policy Rationale

The statutory provisions and policies associated with the management of patron conduct are primarily concerned with minimizing the social costs of alcohol consumption. Liquor service to persons who are intoxicated, over-crowding of establishments, sale of liquor to minors, and the by-products of these practices such as unruly or even violent behaviour and impaired driving are examples of the serious social problems the policies on this topic seek to prevent.

Management of patron conduct policies are based on the duties, set out in the *Liquor Control and Licensing Act*, of both the general manager and the licensee. As discussed earlier in this manual, particularly in the chapters dealing with hours of operation and premises, the general manager has a duty, under section 6 of the Act, to "supervise the conduct and operation of a licensed establishment". Within this context, the general manager sets licence terms and conditions aimed at preventing conditions that might result in over-service, over-consumption and loss of control in the establishment. Licensees have additional responsibilities over and above living up to the terms and conditions spelled out on the face of the liquor licence. They have a dual responsibility when it comes to controlling the conduct of patrons within the establishment the extent that they must control the conditions that might lead to patron misconduct, and they must deal with inappropriate conduct when it arises.

Section 43 of the Act requires that a licensee not permit a patron to be come intoxicated nor allow a patron who is intoxicated to stay in the establishment. Section 7.1 of the Liquor Control and Licensing Regulations requires licensees and servers to complete the responsible beverage service training program, Serving It Right, which ensures they have the knowledge and skills to recognize and prevent impairment and to manage impaired patrons.

Sections 46 and 47(2) of the Act ensure licensees have the authority to deal with inappropriate or unsafe patron conduct. Licensees may ask a person to leave or forbid a person to enter if the person is intoxicated, or "undesirable" (taking care not to contravene the *Human Rights Act*), or if they believe the person is carrying a weapon.

The onus is on licensees to ensure sufficient trained staff are employed at all times to fulfill their obligations to prevent intoxication and other inappropriate behaviour and deal with it when it arises. Furthermore, under section 20(1)(c.1) of the Act, the general manager may take action against a licensee for failing to take "... reasonable measures to ensure that the operation of the establishment is not contrary to the public interest and does not disturb persons in the vicinity of the establishment". Reasonable measures might include such things as having appropriate signage and controls at the entrance to and exit from the establishment; parking lot lighting; noise controls; and appropriate steps taken upon receipt of a complaint or in preventing an incident from becoming a recurring problem. An isolated incident or contravention would not, on its own, be evidence of a licensee's failure to take reasonable measures of this nature. Rather, the general manager would look for a pattern of disturbances or

problems, and evidence that the licensee had not taken "reasonable" steps to correct the problem — even though these steps were "reasonably" within their ability to put into effect.[7]

In the interests of public safety, the general manager has the power under section 22 of the Act to take immediate action and temporarily close an establishment where patron conduct is riotous, drunken or disorderly. Sometimes, situations may arise where public safety is threatened because of a particular event or temporary circumstance occurring in the vicinity of a licensed establishment. In these cases, the general manager may exercise his authority under section 23(1) of the Act to take immediate steps to temporarily close, or impose conditions on an establishment, even if the risk to public safety is unrelated to the manner in which the establishment is managed. The general manager may also exercise his authority under this section if public safety issues might arise when a planned event is to be held in close proximity to a licensed establishment.

The policies below largely reflect on the relevant statutory obligations, and the authority of the general manager to take action either when licensees fail to perform their duty in this area or where risks to public safety so warrant.

Policies

8.3.1. Licensee's responsibility to manage patron conduct

The general manager may take action against a licensee if the licensee or an employee of the licensed establishment permits patrons to:

- become intoxicated
- enter, or having entered, to remain in a licensed establishment with a knife, firearm or other weapon, or
- otherwise engage in riotous, violent, drunken or disorderly conduct, or threaten the safety of other patrons and employees,

or if a licensee permits an employee to:

- serve liquor in a manner that is likely to promote or encourage intoxication[8], or
- serve liquor to patrons who are intoxicated or who are minors.

[*Liquor Control and Licensing Act,* section 6(c), 43, 46, and 47(2); Liquor Control and Licensing Regulations, section 41(2); Liquor Control and Licensing Branch Policy]

8.3.2. Reasonable measures[9]

The general manager may, on the general manager's own motion or on receiving a complaint, take action against a licensee for a failure to take reasonable measures to ensure that the operation of the establishment is not contrary to the public interest and does not disturb persons in the vicinity of the establishment. The general manager may consider whether the number and severity of any incidents and/or contraventions indicate a pattern of disturbances or problems, and whether the licensee has taken measures that are:

- reasonable in the circumstances, and
- reasonably within the capacity of the licensee to effect

in order to curtail those disturbances or problems.

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[7] See related policy and discussion on reasonable measures in the *Compliance and Enforcement Policy and Procedures Manual –Desk Reference*. The burden of proof is on the licensee for demonstrating "due diligence" — that is, demonstrating that appropriate steps have been taken to institute reasonable measures. A mistake or ignorance of the law is not a defence for failing a test of due diligence.

[8] This would include serving liquor by the tray load, or other ways of promoting sales or serving liquor that are likely to encourage drinking to the point of intoxication (see 7.3 Liquor prices and 7.4 Dispensers and Drink Sizes).

[9] In the *Compliance and Enforcement Policy and Procedures Manual-Desk Reference*, see related policy and detail on the problems or disturbances that may require a licensee to take "reasonable measures", and the form these measures might take.

[*Liquor Control and Licensing Act,* section 20(1)(c.1); Liquor Control and Licensing Regulations, schedule 4, section 1(2); Liquor Control and Licensing Branch Policy]

8.3.3. Licence suspension and closure of premises

A compliance and enforcement officer, peace officer, or other person delegated by the general manager may suspend the licence and order the immediate removal of patrons and closure of a premises in which:

- patrons or employees are engaging in riotous, violent, drunken or disorderly conduct, or
- the safety of one or more persons at the licensed establishment is threatened.

The suspension and closure of the premises may take effect without a hearing, and may be for a period of not more than 24 hours.

[*Liquor Control and Licensing Act,* sections 22(1) and 23(1); Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, section 6(c), 20(1)(c.1), 22(1), 23(1), 43, 46, and 47(2); Liquor Control and Licensing Regulations, section 41(2) and schedule 4, section 1(2); Liquor Control and Licensing Branch Policy.

8.4 Serving It Right Program

Policy Rationale

Revised June 2007

Managers and staff of licensed establishments learn about responsible liquor service through a self-directed program (online or in print) managed by go2, an independent, non-profit human resources association of the BC tourist industry. This program is called "Serving It Right: The Responsible Beverage Service Program." The program contains information about the obligations of licensees, managers and staff when selling or serving liquor, along with helpful tips to meet those obligations (see www.servingitright.com/).

People who sell and serve liquor are the front line in ensuring that liquor beverage service businesses act responsibly. It is especially important that people who are new to liquor service have access to suitable training. The *Liquor Control and Licensing Act* and Regulations require that licensees, managers and employees of licensed establishments not serve liquor to minors, or to those who are intoxicated. Ways to refuse service, or ask a patron to leave – without causing conflicts or strained relationships – are among the topics discussed in this training program.

Revised June 2007

Under section 13 of the Act and section 43 of the Regulation, applicants and licensees must successfully complete this training as a condition of obtaining, transferring or renewing a liquor licence. As well, anyone managing a licensed establishment or a person serving in a licensed establishment must also have completed the program.

Policies

8.4.1. Training requirements

Revised June 2007

Section 13 of the Act and s. 43 of the Regulation set out the requirements related to the Serving It Right training program.

Applicants and licensees:

A liquor licence will not be issued, transferred or renewed unless the "Serving It Right: The Responsible Beverage Service Program" has been successfully completed by the applicant or licensee to whom the licence will be issued, transferred or renewed. This rule applies to the following licence categories:

- liquor primary,

- liquor primary club,
- food primary,
- licensee retail store,
- special occasion,
- winery licences containing an endorsement referred to in section 18 of the Regulation, and
- winery licences and brewer's licences issued to establishments that provide samples under s. 53(1) of the Act.

The term 'applicant' includes persons requesting a new licence, the transfer of an existing licence, registration of an external or internal share transfer, and approval of a third party operator agreement.

If the applicant or licensee is a private or public corporation the Serving It Right requirement may be satisfied if the program is completed by a director, officer or employee of the corporation who will have responsibility for controlling the sale of liquor. The term "corporation" means an incorporated association, company, society, municipality or other incorporated body, however incorporated. For example, if the corporation hires a resident manager to run the daily operations of the establishment the requirement can be met by having that person complete the program.

Revised June 2007

If the corporation enters a third party operator arrangement, that operator is not an employee and so a director, officer or employee of the corporation must complete the program.

If the applicant or licensee is a partnership, at least one partner must complete the program.

If the applicant or licensee is a sole proprietor that person must complete the program.

A valid RBS number issued by go2 to those who complete the program which is provided by the applicant on the applicable LCLB form will be taken as evidence that the applicant has met this requirement.

Managers, servers, and other employees

Anyone engaged, by contract or by employment, to manage a licensed establishment must have completed the Serving It Right training program before starting their contract or employment.

Anyone hired or contracted as a bartender, server, sales staff or in any other position which requires the sale or service of liquor must have completed the Serving It Right training program before starting their employment. [Liquor Control and Licensing Act, section 13]

Revised June 2007

8.4.2. One hundred and twenty (120) day exemption from training requirement

[Liquor Control and Licensing Regulations, section 43(6) - repealed]

8.4.3. Full exemptions from training requirement

Completion of the "Serving It Right: The Responsible Beverage Service Program" is not required for:

- licensees and staff of an aircraft operating under a liquor primary liquor licence
- servers operating under a food primary liquor licence, provided the establishment does not have an endorsement for a licensed lounge area
- unpaid managers or servers in a club, operated under a liquor primary liquor licence
- unpaid servers operating under a private or public special occasion licence, or

- persons holding private special occasion licences, except where they may be acting on behalf of an organization, association or group.

[Liquor Control and Licensing Regulations, section 43(2) and (7)]

Authority References

Liquor Control and Licensing Act, section 13; Liquor Control and Licensing Regulations, section 43.

SECTION 9: Food Service

9.0 Introduction

This chapter covers topics related to what kinds of food must be made available to patrons in a licensed establishment, facilities used in food preparation and exemptions from the requirement to serve food. The policies contained in this chapter are the tools the branch uses to ensure the availability of food in licensed establishments.

These policies are discussed under the heading:

- General Conditions.

9.1 General Conditions

Policy Rationale

The availability of food in licensed establishments promotes moderation by encouraging people to eat while they drink — or better yet, to view alcohol consumption as a complement to a meal. The distinction is not an insignificant one. Consumption of food lessens the intoxicating effects of liquor. Just as important, though, is encouraging a public attitude in which liquor is seen as an accompaniment to food, rather than an activity that is indulged in for its own sake. State of mind is as important to moderation as are the moderating physical effects produced by eating while drinking.

In part, this is the reasoning behind food primary licensed restaurants enjoying greater flexibility within the terms and conditions of their liquor licences than is true for liquor primary licence-holders. As noted in section 11(1) of the Liquor Control and Licensing Regulations, a food primary licence is specifically for an establishment in which "... the primary purpose of the business ... is the service of food during all hours of its operation". Liquor is, then, offered as a pleasant accompaniment to a meal.

Branch policy for food primary licensed establishments prohibits liquor service in fast food or take-out restaurants where people may be leaving the premises with their meal or perhaps be inclined to "eat and run" to get on with the other commitments of their day.[1] For other types of food primary establishments, branch policy largely reiterates the requirement under section 11(2)(b) of the regulations, which states that "liquor must not be served unless the establishment is open for service of a varied selection of food items, including both appetizers and main courses, or their equivalent".

Revised Apr 2008

For liquor primary licensees, a provision under section 9(c) of the regulations guides food service in licensed establishments: "unless exempted by the general manager, food and non-alcoholic beverages must be available at reasonable prices to the patrons", but food service in the range generally offered by a restaurant is not expected. A similar requirement, under section 18(6) of the regulations, is in place for wineries with licence endorsements for a designated lounge or special event area. There is no regulatory requirement for wineries with licence endorsements for a winery tour or picnic area to provide food or non-alcoholic beverages in these endorsement areas. For licensee retail stores, the relevant provisions are permissive rather than prescriptive. Specifically, under section 14(1)(d), "packaged snacks, liquor related items, and other items authorized by the general manager may be sold". The items so authorized currently include sundries, cigarettes and other tobacco products, and lottery tickets issued by the B.C. Lottery Corporation.

[1] See policy 3.1.2 and related discussion in section 3.1 Stage 1: Application for a New Licence.

Finally, the policies below address the authority of compliance and enforcement officers to inspect the records and premises of licensed establishment to determine whether the necessary food items and non-alcoholic beverages are available to customers. Additionally, compliance and enforcement officers may inspect the premises to ensure that the establishment's food preparation facilities are sufficient to provide these items.

Policies

9.1.1. Exemption from requirements to serve food and non-alcoholic beverages

Except in the case of food primary licensed establishments, the general manager may exempt a class or category of licensee from requirements to serve food and non-alcoholic beverages in an establishment.

Wineries with licence endorsements for a winery tour or picnic area are not required to provide food or non-alcoholic beverages in these endorsement areas.

[*Liquor Control and Licensing Act*, section 12(3)(f)]

9.1.2. Type of food service in liquor primary licensed establishments, winery lounges, and winery special event areas

Revised Apr 2008

At a minimum, and unless exempted by the general manager, licensees of liquor primary establishments, winery lounges, and winery special event areas must make a reasonable variety of hot or cold snacks and non-alcoholic beverages available to patrons at reasonable prices. Food service in the range generally offered by a restaurant is not expected, however packaged snacks such as chips, peanuts, and those commonly found in vending machines do not meet the minimum food requirement for liquor primary establishments, winery lounges, and winery special event areas.

[Liquor Control and Licensing Regulations, section 9(c) and 18(6); Liquor Control and Licensing Branch Policy]

9.1.3. Type of food service in food primary licensed establishments

Licensees of food primary establishments must make a varied selection of food items available to patrons, including both appetizers and main courses or their equivalent. Liquor must not be served unless the establishment is open for service of these food items.

[Liquor Control and Licensing Regulations, section 11(2)(b), Liquor Control and Licensing Branch Policy]

9.1.4. Inspection to determine availability of food and non-alcoholic beverages

Compliance and enforcement officers may inspect the records and licensed premises of liquor primary establishments, food primary establishments, winery lounges, and special event areas to determine whether required food items and non-alcoholic beverages are available to customers.

[*Liquor Control and Licensing Act*, section 73(1), Liquor Control and Licensing Regulations, sections 9(c), 11(2)(b), 18(6) and 34, Liquor Control and Licensing Branch Policy]

9.1.5. Food preparation facilities in licensed establishments

In the course of inspecting the licensed premises of liquor primary establishments, food primary establishments, winery lounges, and winery special event areas, compliance and enforcement officers may consider whether the establishment has food preparation facilities sufficient to dispense the food items required under policies 9.1.2 and 9.1.3, and as otherwise required by regulation.

[*Liquor Control and Licensing Act*, section 73(1); Liquor Control and Licensing Regulations, sections 9(c), 11(2)(b), 11(3)(a), and 18(6); Liquor Control and Licensing Branch Policy]

9.1.6. Sale of non-liquor items in licensee retail stores

The licensees of licensee retail stores may make food or non-alcoholic beverages available to customers. If offered, food and items other than liquor sold in licensee retail stores must be limited to:

- packaged snacks and sundries
- liquor related items, such as glasses, openers and corkscrews
- cigarettes and other tobacco products, and
- lottery tickets issued by the B.C. Lottery Corporation.

[Liquor Control and Licensing Regulations, section 14(1)(d); Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 12(3)(a), 12(3)(f), and 73(1); Liquor Control and Licensing Regulations, sections 9(c), 11(2)(b), 11(3)(a), 14(1)(d), 18(6), and 34; Liquor Control and Licensing Branch Policy.

SECTION 10: Minors

10.0 Introduction

This chapter covers topics relating to the presence of minors in licensed establishments. The policies and practices discussed here consist primarily of the tools used by the branch to determine whether it is appropriate to admit minors. General themes in these discussions are the licensee's ability to supervise the conduct of minors to ensure they do not consume alcohol, and the appropriateness of the establishment itself in terms of its general character and the activities that take place there.

These and related issues are discussed in this chapter under the headings:

- General Conditions, and
- Minors as Entertainers.

10.1 General Conditions

Policy Rationale

Regulatory practice in British Columbia has been based on the view that the public interest is not served by expecting people to take on the responsibilities that go along with alcohol purchase and consumption until they reach the age of majority. The *Liquor Control and Licensing Act* includes both a general prohibition on providing liquor to a minor and a prohibition on minors possessing liquor – in other words, minors themselves commit an offence by possessing liquor.

The reasons behind these sections of the Act and the policies that support them are public interest concerns about the effects of alcohol abuse on youth. Studies indicate that children are currently consuming larger amounts of alcohol, and at earlier ages, than before. Alcohol consumption by minors is associated with unwanted pregnancies, smoking, youth violence, poor school performance, youth suicide rates, and death and injury from driving accidents. It is also believed to have negative developmental impacts on the part of the brain responsible for higher-level thinking. One of the strategies to reduce the risk of children consuming liquor is to, generally, not permit minors in areas where the consumption of liquor is a primary activity.

Section 12(3)(d) of the Act gives the general manager authority to designate the areas within an establishment where minors are permitted within the parameters of the Act and regulations. These parameters include the prohibition, under section 33 of the Act, on selling, giving or supplying liquor to minors. They also include the prohibition, under section 35 of the Act, against permitting a minor from entering or being on a premises where liquor is sold or kept for sale, except if the minor is accompanied by a parent or guardian, with lawful excuse, or in certain prescribed circumstances. Sections 9(a), 11(2)(a), 14(1)(c), 18(4), and 18.1(5) of the regulations set out the prescribed circumstances that apply with respect to minors in each licence category.

Minors are otherwise permitted in liquor primary establishments only on an exception basis, and only when it can be demonstrated that it is in the public interest to do so. An important distinction is made here between demonstrating that it is *in* the public interest rather than *not contrary* to the public interest. The licensee must demonstrate, therefore, that some benefit accrues from permitting minors in the establishment — not simply show that there is no harm in doing so. In addition, the general manager will consider factors relating to the effective management and control of the establishment when determining whether or not to endorse a licence to permit minors. The general manager must be satisfied that licensees can meet the requirements of their liquor licence.

The characteristics of the establishment will also have a considerable impact on whether minors will be permitted and under what circumstances. There are no restrictions on minors in food primary licensed restaurants because the primary purpose of a restaurant is to serve food. By regulation, minors are permitted to accompany an adult in food primary lounges, or accompany their parents or a legal guardian into retail liquor outlets, winery lounges and winery special event areas. Branch policy recognizes it is in the greater public interest to allow families traveling through airports to stay together and therefore

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permits minors to accompany a parent or legal guardian in an airport establishment that is operated in a low-key manner without entertainment, and that caters to short visits by travelling patrons.

The regulations permit minors unaccompanied in winery tour and picnic areas, licensed stadiums, concert halls, and convention centres; on aircraft, trains, and motor vessels; or any other establishment or endorsement area the primary purpose of which is not the service of liquor and minors are allowed by the general manager to be in the establishment or endorsement area.

In addition to the regulatory exceptions, there are a number of policy exceptions in which minors are permitted by the general manager in certain types of licensed liquor primary establishments or under certain circumstances. For example, they are permitted as members of a licensed military mess, or in the playing area of a golf course in which liquor is being served from a take-out window, kiosk, or beverage cart. They may also be permitted in bars located at downhill ski resort areas until 8:00pm when accompanied by a parent or legal guardian; at banquets and award ceremonies held in a liquor primary club or recreation center; and at other special occasion events in liquor primary club establishments when

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a full sit down meal is provided or when they are in an unlicensed area of a liquor primary club. As part of a pilot project and with approval of the general manager, minors will be permitted in liquor licensed establishments located at a curling club, golf course facility, recreation centre, or stadium until 10:00pm. The policies below outline the specific circumstances under which these exceptions apply.

Minors are excluded by policy from being employees of a licensed liquor primary establishment, with the exception of a licensed stadium or concert hall, because of the difficulties their presence would pose for licensees in making sure they do not consume alcohol. This risk is considered to be less apparent in restaurants; therefore, under age restaurant employees are permitted to serve but not dispense or mix drinks.[1]

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Licensees are responsible for ensuring that minors are not served or sold liquor, and for preventing the conditions under which this might happen. Licensees must do an initial assessment of every patron before permitting the person into a liquor primary establishment or other establishment in which the presence of minors is restricted, or before selling or serving liquor to them in any licensed establishment.

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Section 33 and 35 of the Act combine to create an ongoing obligation on the part of a licensee to ensure that minors do not enter or remain in a licensed establishment where they are not permitted, and to ensure that minors are not served liquor. A server or bartender cannot rely on the fact that door staff admitted a patron into the licensed establishment as the basis for serving that patron. The server or bartender must also make a determination that the patron is not a minor prior to serving them liquor, or allowing them to remain in the licensed establishment.

When verifying that a patron is not a minor the licensee must request 2 pieces of ID that meet the requirements of section 45 of the regulations. The regulations and branch policy is very specific about the type of identification licensees should accept from patrons. Policies on identification are discussed later in this chapter and in the branch's Compliance and Enforcement Policy and Procedures Manual.

Other considerations reflected in the policies on this topic address questions such as: Will the physical layout and the activities taking place permit staff to supervise the conduct of patrons to ensure that minors are not consuming liquor? Are the activities themselves appropriate for minors to observe? For example,

[1] A general exception to this policy is the employment of minors as entertainers, which is discussed in the next section of this chapter.

an establishment or event that focuses on meal service will present fewer concerns in this regard than an establishment that focuses on late night, adult oriented entertainment.

The policies below reflect these and other factors that must be considered in determining whether it is appropriate to permit minors in a licensed establishment.

Other considerations reflected in the policies on this topic address questions such as: Will the physical layout and the activities taking place permit staff to supervise the conduct of patrons to ensure that minors are not consuming liquor? Are the activities themselves appropriate for minors to observe? For example, an establishment or event that focuses on meal service will present fewer concerns in this regard than an establishment that focuses on late night, adult oriented entertainment.

The policies below reflect these and other factors that must be considered in determining whether it is appropriate to permit minors in a licensed establishment.

Policies

10.1.1. General conditions respecting minors on licensed premises

Minors are not permitted in a licensed establishment other than a food primary licensed establishment, except:

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- in a winery picnic or tour endorsement area unless otherwise restricted
- in the licensed area of a curling club, golf course facility, recreation centre, or stadium, with approval of the general manager

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- when accompanied by a parent or guardian in licensee retail stores, winery lounges, manufacturer's sampling rooms, winery special event areas and liquor primary establishments at downhill ski resort areas
- when accompanied by an adult in a food primary lounge
- when they are employed or retained as entertainers to entertain in the establishment, other than a licensee retail store[2]
- when alternate use of the establishment is permitted for unlicensed events or activities outside licensed hours, or when the licence has been temporarily suspended for these events or activities[3]
- with lawful excuse
- when the establishment's primary operating purpose is not the service of liquor and minors are allowed to be in the establishment by the general manager, or
- when they are allowed to be in the establishment by the general manager in the public interest.

Where authorized by the general manager, the terms and conditions under which minors may be permitted in a licensed establishment or in designated areas of a licensed establishment will be endorsed on the licence.

[*Liquor Control and Licensing Act,* section 35; Liquor Control and Licensing Regulations, sections 9(a), 11(2)(a), 14(1)(c), 18(4); and 18.1(5), Liquor Control and Licensing Branch Policy]

10.1.2. Factors considered in permitting minors on licensed premises

In determining whether to grant approval to permit minors in a licensed establishment, the general manager may consider the factors specified in policy 10.1.1 and:

- whether minors may be present without restriction
- the necessary degree of adult supervision, and
- such other factors as may be relevant to the public interest and to ensuring the proper conduct and operation of the licensed establishment.

[2] See related policy in 10.2 Minors as Entertainers.
[3] See related policy in 5.3 Alternate Use.

[*Liquor Control and Licensing Act,* section 35; Liquor Control and Licensing Regulations, section 9(a); Liquor Control and Licensing Branch Policy]

10.1.3. Minors in liquor primary licensed establishments

- they are employed or retained as entertainers to entertain in the establishment[4]
- the establishment is located at a downhill ski resort area and has received approval from the general manager to permit minors to enter, and provided:
  - minors are accompanied by a parent or guardian
  - minors leave the establishment no later than 8:00 p.m.
  - signs are placed in a prominent place within the establishment informing patrons that minors must leave no later than 8:00 p.m., and
  - adult entertainment, if offered, is not provided until after 8:00 p.m.
- the general manager may permit minors in the licensed area of a curling club, golf course facility, recreation centre or stadium, as part of a pilot project, provided:
  - minors leave the licensed premises no later than 10:00 p.m.
  - signage is placed in a prominent location within the establishment that reads "Minors are permitted until 10:00 p.m."
  - adult entertainment, if offered, does not commence until after 10:00 p.m.
  - minors will only be permitted into the licensed area of a curling club, golf course facility, recreation centre or stadium when the facility is being used for sports, sports-related, or recreational purposes only.

  Minors will only be permitted in a licensed establishment directly linked to a curling club, golf course facility, recreation centre or stadium only. The approval, if granted, shall be for a period ending not later than December 31, 2009.

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- they are in the playing area of a golf course that is endorsed for liquor sales to golfers from a take-out window, kiosk or beverage cart
- they are in an unlicensed area of a liquor primary club for special events, such as a wedding or birthday party
- no other suitable area is available in a liquor primary club and the general manager has permitted them to be in a licensed area for a special occasion where a full sit down meal is provided and they are accompanied by a parent or legal guardian
- they are in attendance at special banquet activities or other types of award ceremonies held in a licensed area of a liquor primary club or recreation center because the competitors include minors and provided:
  - only minors who were competitors in the associated event may attend
  - minors must be accompanied by a parent or guardian
  - minors will only be allowed to attend during the full sit-down meal and award ceremonies
  - minors must leave at the end of the meal and related ceremony.

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- the establishment is a military mess located on a ship; the mess is land-based and the event is sponsored by the military or a member of the mess; or the minor is a full member of the mess

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- the establishment is a stadium, concert hall, convention centre, train, aircraft or motor vessel
- the establishment is in an airport and caters to travellers and the minor is accompanied by a parent or legal guardian
- the establishment is not primarily engaged in the service of liquor and the licensee has received approval from the general manager to permit minors by establishing:
  - it was built for a purpose other than beverage service
  - the business for which the establishment was created could function and be viable without liquor
  - whether the patron will pay a cost to be in the facility (such as through the purchase of an all-inclusive ticket or one to see a show or to travel).

[4] See related policy in 10.2 Minors as Entertainers.

- patronage is mainly for a purpose other than the consumption of alcohol or participation in entertainment activities related to the consumption of alcohol
- the licensee can establish, to the satisfaction of the general manager, that it is in the public interest to permit minors in the establishment

When minors are permitted in liquor primary establishments, adult-oriented performances, activities and entertainment are not allowed.

[*Liquor Control and Licensing Act,* sections 27(b) and 35; Liquor Control and Licensing Regulations, section 9(a); Liquor Control and Licensing Branch Policy]

10.1.4. Minors in food primary licensed establishments and liquor primary stadiums

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Minors are permitted, and may not be excluded, as non-drinking patrons in a food primary licensed establishment and when accompanied by an adult in a food primary lounge. Minors 16 years of age and up to the age of majority may be employed in licensed restaurants and liquor primary stadiums to serve opened bottles of liquor and mixed drinks, provided:

- they are not permitted to mix beverage alcohol or open bottles at the liquor service bar
- an adult employee is available at all times to supervise and to dispense or otherwise provide the liquor to the serving minor, and
- the supervising adult periodically checks patrons to ensure that underage staff are not serving liquor to minors or intoxicated patrons.

[*Liquor Control and Licensing Act,* section 35; Liquor Control and Licensing Regulations, section 11(2)(a); Liquor Control and Licensing Branch Policy]

10.1.5. Minors in winery picnic and tour areas

Minors are permitted in a winery picnic or tour area unless otherwise restricted by the general manager.

[*Liquor Control and Licensing Act,* section 35; Liquor Control and Licensing Regulations, section 18.1(5)]

10.1.6. Minors in winery lounges and special event areas

Minors are permitted in a winery lounge or special event area when they are:

accompanied by a parent or guardian, or

- employed or retained as entertainers to entertain in the establishment.[5]

[*Liquor Control and Licensing Act,* section 35; Liquor Control and Licensing Regulations, section 18(4)]

10.1.7. Minors in licensee retail stores

Minors are permitted in a licensee retail stores when they are accompanied by a parent or guardian[6].

[*Liquor Control and Licensing Act,* section 35; Liquor Control and Licensing Regulations, section 14(1)(c)]

10.1.8. Employment of minors in licensed establishments

Minors may not be employed as regular or salaried staff of the licensed establishment or as staff of a contracted agency providing services on an ongoing basis, except in:

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[5] See related policy in 10.2 Minors as Entertainers.

[6] Section 14(1)(c) of the Regulations has been interpreted to mean minors accompanied by a parent or guardian *who is shopping*. The minor children of licensees or their employees may not be employed or appear to be employed with a licensee retail store, including any area within or about the premises where product is stored or sold and any empty container return areas.

- establishments in which they are employed or retained as entertainers in the licensed establishment[7]
- food primary licensed establishments, or
- unlicensed areas of a stadium, concert hall, convention centre, train, aircraft, motor vessel, airport or any other establishment the primary purpose of which is not the service of liquor and minors are allowed by the general manager to be in the establishment.

[*Liquor Control and Licensing Act*, sections 6(c) and 12(2) and (3); Liquor Control and Licensing Regulations, sections 9(a), 11(2)(a), 14(1)(c), and 18(4)(b); Liquor Control and Licensing Branch Policy]

10.1.9. Minors in possession of liquor

A licensee must not allow a minor to have liquor in his or her possession in the licensed establishment, unless the licence issued for that establishment is:

- a food primary licence, or
- a liquor primary licence for a stadium

and the minor is working as a server in the establishment.

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The terms and conditions under which a minor is permitted to serve liquor in a food primary establishment or a liquor primary stadium are detailed in policy 10.1.4.

[*Liquor Control and Licensing Act*, section 35; Liquor Control and Licensing Regulations, section 45(4)]

10.1.10. Identification of minors[8]

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A licensee must not sell or serve liquor to a minor or permit a minor to enter, or remain in, a licensed establishment in which the presence of minors is restricted. Licensees must ask for two pieces of identification when verifying a patron's age. The pieces of identification must include one of the following:

- a passport
- a driver's licence that displays a photograph and the date of birth of the holder, or
- an identification card, issued by a government agency, that displays a photograph and the date of birth of the holder

and one other piece of identification that displays at least

- an imprint of the person's name and their signature, or
- an imprint of the person's name and their picture.

Licensees must provide an area that is well lit and protected from entertainment noise for staff to properly review both the identification and the patron, and to ask appropriate questions to test the authenticity of the identification. Identification that is clearly false should, if possible, be confiscated by the licensee, and retained for collection by a compliance and enforcement officer.

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[*Liquor Control and Licensing Act*, section 33(5); Liquor Control and Licensing Regulations, section 45(1) through (3); Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 6(c), 12(2), 12(3), 27(b), 33(5), and 35; Liquor Control and Licensing Regulations, sections 9(a), 11(2)(a), 14(1)(c), 18(4), 18.1(5), and 45; Liquor Control and Licensing Branch Policy.

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[7] See related policy in 10.2 Minors as Entertainers.

[8] Refer to the Compliance and Enforcement Policy and Procedures Manual – Desk Reference for information about acceptable types of identification.

10.2 Minors as Entertainers

Policy Rationale

As discussed in the section on General Conditions, exceptions to the "no minors rule" in the Liquor Control and Licensing Regulations, and as made by the general manager, relate to whether the public interest is served in doing so, the characteristics of the establishment, whether or not the minor might be in the establishment for a legitimate reason, and whether the licensee can adequately ensure minors are not being served liquor.

Generally, the terms and conditions for most licence categories allow the presence of minors who are entertainers. In all cases, however, the prohibitions set out under "General Conditions" on supplying liquor to minors or possession or consumption of liquor by a minor continue to apply. The policy on this topic reflects the concern that these prohibitions be complied with by permitting minors as entertainers, subject to certain limitations on the activities they may engage in. In particular, these limitations are meant to ensure the licensee and staff are able to adequately supervise the conduct of minors, and that minors will not be exposed to inappropriate conduct or activities.

For example, because of the difficulty of adequately supervising their conduct and the opportunities they may have to consume alcohol, minors on the premises as entertainers must remain in the licensed area only during their performances. Similarly, they are not allowed to be involved in patron participation contests because some contests (such as dance contests) would make it difficult to observe their behaviour, and others (particularly adult-oriented contests such as "bare as you dare") are considered inappropriate activities for minors.

In view of these concerns, the policies below relate largely to the limitations on the activities of minors who are permitted in establishments Liquor Control and Licensing Branch Policy as entertainers.

Policies

10.2.1. Establishments in which minors providing entertainment are permitted

Minors providing entertainment are permitted in liquor primary establishments, food primary establishments, winery lounges, winery special event areas, winery picnic areas, and winery tour areas.

[Liquor Control and Licensing Regulations, sections 9(a)(i), 11(2)(a), 18(4)(b), and 18.1(5)]

10.2.2. Conditions for minors providing entertainment in licensed establishments

The following conditions apply to minors providing entertainment in licensed establishments:

- if they are otherwise not permitted in the establishment, minors may not remain in a liquor primary licensed establishment, prior to, during intermissions, or after completion of the entertainment
- minors may remain in a winery lounge or special event area prior to, during intermissions or after completion of the entertainment if accompanied by a parent or guardian
- patron participation contests may not include minors
- adult-oriented or sexually explicit entertainment may not include minors, nor may such entertainment occur while minors are within the establishment, and
- such other terms and conditions as may be imposed by the general manager in the public interest, and to ensure the proper conduct and operation of licensed establishments.

[*Liquor Control and Licensing Act*, sections 6(c) and 12(2) and (3); Liquor Control and Licensing Regulations, sections 9(a), 11(2)(a), 18(4)(b); and 18.1(5), Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 6(c) and 12(2) and (3), Liquor Control and Licensing Regulations, sections 9(a), 11(2)(a), and 18(4)(b); Liquor Control and Licensing Branch Policy.

SECTION 11: Entertainment

11.0 Introduction

This chapter covers topics relating to the types of entertainment that may be provided in licensed establishments. A number of key principles lie behind entertainment policies, and they recur throughout this chapter. They include the notion that entertainment should be compatible with the category of liquor licence held by the establishment; that entertainment may affect a licensee's ability to manage and control what takes place in the establishment; that some activities pose risks to public safety when combined with alcohol consumption; and that entertainment in licensed establishments may have impacts upon the local community.

Discussion of these and related topics is presented in this chapter under the headings:

- General Conditions
- Live Performances
- Audio, Film, Video and Television
- Patron Participation and Non-Participation Entertainment
- Games in a Licensed Establishment, and
- Gambling in a Licensed Establishment.

11.1 General Conditions

Policy Rationale

Entertainment in licensed establishments – or more accurately, the particular mix of entertainment, alcohol consumption and type of licensed establishment – has become an issue of some concern from a liquor regulation perspective. In order to provide a meaningful framework within which decisions can be made on this topic, the policies set out below have been developed within the context of the general manager's duties to supervise the conduct and operation of licensed establishments, and to consider the public interest when setting licence terms and conditions.

The general manager's policy direction in this area has tended to concentrate on four key issues. One issue is the extent to which the entertainment is compatible with a particular category of licence. Policies for entertainment in food primary restaurants are illustrative of this. The entertainment provided in a restaurant should not make it indistinguishable from a pub, cabaret, or other type of liquor primary establishment; a situation for which the food primary licensing process and licence terms and conditions were not designed to suit. For example, there is less input by the local community at the time of licensing. This reflects the understanding that, for these establishments, the focus is on food service, and the local community is generally not affected by noise and nuisance factors beyond those managed through the normal zoning and bylaw processes in place in the community.

Entertainment decisions must also consider the extent to which the entertainment may affect the licensee's ability to maintain effective management and control of the establishment. For example, if the entertainment uses part of the licensed area, the licensee is responsible for ensuring that patrons will not be so crowded together that staff will be unable to observe and control their conduct.

The physical safety of staff, performers and patrons is another factor. Activities that might be considered safe in other settings are not considered safe in an environment where alcohol is being consumed because of the effects of alcohol on mental acuity, physical dexterity and judgment. For this reason, then, entertainment such as contact sports may be permitted only when there is no patron participation; and then only if the licensee can demonstrate that there are adequate safety measures in place to protect anyone playing, watching, or otherwise present during the sports presentation.

Finally, decisions regarding entertainment must consider noise, nuisance and other negative impacts on nearby residents and businesses.

Local governments are given the power under section 50 of the Act to restrict or prohibit, by bylaw, any form of entertainment, whether permitted under the regulations or under a licence term and condition. Other statutory provisions respecting entertainment include section 46 of the Liquor Control and Licensing Regulations, which provides general authority for entertainment and games in licensed establishments if authorized by the general manager. Section 11(1) of the regulations requires that food primary licensed restaurants be primarily engaged in food service. As already noted, therefore, decisions to permit entertainment and games in restaurants must be compatible with this primary focus. In licensee retail stores, games or entertainment are prohibited under section 14(1)(f).

With the exception of some gambling permitted under the *Criminal Code*, gambling is prohibited in licensed establishments under section 36 of the *Liquor Control and Licensing Act*. The prohibition under the Act and related policy addresses such factors as consistency with the category of liquor licence held by the establishment, management and control of patron conduct, and any negative impacts on the community. The prohibition on gambling, and the few exceptions to it, are discussed later in this chapter under the heading "Gambling in a Licensed Establishment".

Entertainers are prohibited by section 42(3) of the regulations from consuming liquor while performing or while on stage in view of patrons – a reflection of concern for management and control, as well as safety. Lastly, section 49(4) of the Act requires that, where adult entertainment is provided, a description of it must be provided on a sign posted at the entrance of the licensed establishment to give patrons the opportunity to consider whether the entertainment is to their taste before they enter the establishment.

Specific rules apply to entertainment when minors are permitted in an establishment as non-drinking patrons and entertainers. These policies are discussed in Chapter 10.

Policies

11.1.1. Authority to approve, prohibit, restrict or limit entertainment in a licensed establishment

The general manager may impose a licence term or condition that approves, prohibits, restricts or limits any type or form of game or entertainment in a licensed establishment. A municipality, regional district, local government, or First Nation may pass a bylaw restricting or prohibiting the type of entertainment or games in a licensed establishment.

[*Liquor Control and Licensing Act*, sections 12(3)(e) and 50; Liquor Control and Licensing Regulations, section 46(1) and (3)]

11.1.2. Factors considered in imposing terms and conditions for entertainment and games

Entertainment and games may be approved in liquor primary establishments, food primary establishments, winery lounges, winery special event areas, winery picnic areas, and winery tour areas. In determining whether to impose a licence condition restricting or limiting a type or form of entertainment or games under policy 11.1.1, the general manager may consider:

- the compatibility of the entertainment with the class or category of liquor licence held by the establishment, and specifically:
  - if in respect of a food primary establishment, whether the entertainment or games provided would result in a shift in focus away from the service of food during all hours of the establishment's operation, or
  - if in respect of a liquor primary establishment, whether the entertainment or games provided would result in a shift in focus to that of a video games arcade or movie theatre

- any impact on the licensee's ability to maintain effective management and control of the establishment
- the physical safety of the public, staff, performers and patrons
- noise, nuisance and other negative impacts on nearby residents and businesses, and
- any other factor that may be relevant in the public interest.

[*Liquor Control and Licensing Act,* sections 12(3)(e) and 50(2); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy]

11.1.3. General conditions for entertainment and games

Consistent with the factors specified in policy 11.1.2, the general manager has approved entertainment and games in licensed establishments with the following conditions:

- a cover charge for entertainment is permitted in licensed establishments
- games of chance, including card games, are permitted for amusement only; payoffs or prizes of any kind are not permitted
- entertainment or games activities that may jeopardize patron or public safety must not be offered or condoned
- live radio or television broadcasts are generally permitted[1]
- all forms of entertainment must comply with applicable provisions of the *Health Act* and the *Fire Services Act*, and
- entertainers may not consume liquor while performing or while on stage in view of patrons.

[*Liquor Control and Licensing Act,* sections 12(3)(e) and 50(2); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy]

11.1.4. Entertainment and games in liquor primary licensed establishments, winery lounges, winery special event areas, winery picnic areas, and winery tour areas

In addition to those specified in policy 11.1.3, the following types of entertainment and games and accompanying conditions are approved for liquor primary licensed establishments, winery lounges, winery special event areas, winery picnic areas, and winery tour areas:

- patron participation sports are generally permitted where the physical safety of performers and patrons is not at risk[2]
- prize-fighting, kick-boxing, and other contact sports may be approved when there is no patron participation, and where the licensee can demonstrate that adequate safeguards are in place to protect patrons, staff, and the public
- computers that offer internet access, and board or card games such as cribbage are permitted, and
- video arcade games and movies may be offered for patron entertainment, provided they do not shift the focus of the establishment to that of a video arcade or a movie theatre.

[*Liquor Control and Licensing Act,* sections 12(3)(e) and 50(2); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy]

11.1.5. Entertainment and games in food primary licensed establishments

In addition to those specified in policy 11.1.3, the following types of entertainment and games and accompanying conditions are approved for food primary licensed establishments:

- computers that offer internet access, and board or card games such as cribbage are permitted, provided
  - they do not alter the primary focus on the service of food, and

[1] See related policy and information in the section on Audio, Film, Video, and Television later in this chapter.
[2] See related policy and information in the section on Patron Participation and Non-Participation Entertainment later in this chapter.

- they can be played while the customers are seated, and
- games that require the patron to get up from the table and which are likely to shift the primary focus of the establishment away from the service of food are not permitted in the licensed area, including: darts, shuffleboard, foosball, billiards, pool, video arcade style games, basket ball, ice or roller hockey, curling, and bowling; these and other stand-up games may be offered in an unlicensed area next to the food primary establishment, provided the two areas are properly separated[3].

[*Liquor Control and Licensing Act,* sections 12(3)(e) and 50(2); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy]

11.1.6. Hours of patron participation and non-participation entertainment in food primary establishments

When approved by the general manager, dine and dance and other forms of patron participation entertainment must end by 12:00 midnight unless the general manager has approved longer entertainment hours. Stage entertainment and other forms of entertainment in which there is no patron participation must end by 1:00 a.m., unless otherwise approved by the general manager

[*Liquor Control and Licensing Act,* sections 12(3)(e) and 50(2); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy]

11.1.7. Sign describing adult entertainment

Once approved by the general manager, the nature of any adult entertainment to be provided by a licensed establishment must be clearly described in a notice or sign posted at the entrance of the establishment.

[*Liquor Control and Licensing Act,* section 49(4); Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 12(3)(e), 49(4), and 50; Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy.

11.2 Live Performances

Policy Rationale

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This topic encompasses the full range of live stage performances, from comedy routines, singers, musicians or fashion shows, to exotic dancers and other adult-oriented performers – in short, any performance presented in person within the establishment. Live performances are distinguished here from live broadcast performances and from patron participation entertainment (even though the latter may involve an on-stage element, such as patrons dancing to live music), both of which are explored in later sections of this chapter.

The policies set out below make no attempt to detail the types of entertainment licensees may have in their establishments. An exhaustive list would be too huge and could not hope to take into account the endless creativity still in the imaginations of future entertainers! Rather, with the exception of some broad factors considered in setting terms and conditions for live performances (discussed in the General Conditions section earlier in this chapter), the policies for this entertainment focus on those types of performances that are limited, restricted or prohibited – specifically, forms of adult entertainment such as exotic dancing and other adult-oriented artistic performances and animal acts.

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Exotic dancing and other adult-oriented performances and activities are not permitted in food primary licensed establishments, licensee retail stores, and winery lounge or other winery endorsement areas because they are considered to be incompatible with the category of liquor licence held by these establishments. In particular, there are fewer restrictions on minors in these establishments, and the

[3] See policies regarding the separation between these areas in 6.5 Adjoining Licensed and Unlicensed Areas

presence of minors and these forms of entertainment clearly do not mix. Strip shows, exotic dancing and other adult-oriented performances and activities would also be prohibited in a liquor primary establishment that is unable to prevent a line of sight between the licensed area and another licensed or unlicensed area in which minors may be present.

Other restrictions placed on these shows and activities and on animal acts are related to concerns about the licensee's ability to maintain effective management and control of the establishment during these performances, and to health and safety concerns for staff, performers and patrons. These restrictions are not a commentary on the suitability of these activities in settings where liquor is not being consumed. Rather, the concern is that the combination of liquor consumption and these particular activities can produce a volatile mix that may be harmful to performers, patrons and the larger community.

Policies

11.2.1. Factors considered in imposing terms and conditions for live performances

In determining whether to impose a licence condition approving, prohibiting, restricting or limiting a type or form of live stage performances, the general manager may consider:

- the compatibility of the entertainment with the class or category of liquor licence held by the establishment
- any impact on the licensee's ability to maintain effective management and control of the establishment
- the health and safety of the public, staff, performers and patrons
- noise, nuisance, and other negative impacts on nearby residents and businesses,
- local bylaws around certain types of entertainment, and
- any other factor that may be relevant in the public interest.

[*Liquor Control and Licensing Act,* sections 12(3)(e) and 50(2); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy]

11.2.2. Definitions of exotic dancer and adult-oriented performer

For the purposes of policies with respect to exotic dancers and other adult-oriented performers offered by a licensee as a live performance:

- an *exotic dancer* and/or adult-oriented performer is an entertainer who removes clothing during a performance and/or performs adult dramatic, artistic or other types of adult-oriented activities.

The terms exotic dancer and adult-oriented performer do not include a performer or dancer commonly known as a belly dancer.

[Liquor Control and Licensing Branch Policy]

Revised Oct 2008

11.2.3. General conditions for exotic dancing and other adult-oriented performances

Upon considering the factors specified in policy 11.2.1, the general manager may approve exotic dancing and other adult-oriented performances as forms of entertainment in liquor primary establishments, under the following conditions:

- performers must be at least nineteen years of age
- performers must wear appropriate clothing while walking through the audience, both before and after performances. This clothing may be part of their stage costume, however the clothing must provide coverage of the entertainer's breasts and genitalia.
- performers may not act as servers or hold any other employment position in an establishment while working in their role as entertainers. However, when individuals are not working in their role as an

entertainer, they may be employed as servers or hold other positions of employment in an establishment and this may occur during the same shift

- if an entertainer holds another employment position in the establishment, they must change out of their entertainer clothing and into clothing typical for the position they are tasked with prior to starting that position.

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- servers must be clothed and may not combine the role of server with exotic dancing or adult-oriented performing at the patrons' tables or any other type of adult-oriented entertainment
- the performance must take place in an approved area of the licensed establishment
- separation between the licensed area and another licensed or unlicensed area in which minors may be present must be sufficient to prevent a line of sight between the two areas[4]
- all licensed establishments that intend to provide exotic dancing or adult-oriented entertainment are required to install surveillance cameras in all private show/VIP booths, and
- such other conditions as may be specified by the general manager in the public interest.

[*Liquor Control and Licensing Act,* sections 12(3)(e) and 50(2); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy]

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11.2.4. Prohibited acts during the performance of an exotic dancer or other adult-oriented performer

Consistent with the considerations specified in policy 11.2.1, the following acts are prohibited during the performance of an exotic dancer and/or adult-oriented performer:

- live sex acts
- realistic and simulated sex acts
- insertion of any object into the anus or vagina
- extraction of any object from the anus or vagina
- urination or defecation
- acts which involve coercion or violence, simulated or real
- audience or staff/licensee participation, including touching, sharing food or beverages or passing objects between the dancer/adult-oriented performer and members of the audience. Tipping and the distribution of promotional material are permitted provided there is no physical contact between the performers and each other or with an audience member

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- the deliberate engagement of a patron or staff member/licensee by an adult-oriented performer to participate in an adult-oriented performance or activity
- dancing or performing on table tops or other areas beyond the approved areas
- touching or sharing food between performers, and
- such other acts as may be identified by the general manager.

[Liquor Control and Licensing Branch Policy]

11.2.5. Performances involving animals

No mammals, reptiles, birds or other animals are permitted in a performance or as entertainment in a licensed establishment, except as approved by the general manager.

[Liquor Control and Licensing Branch Policy]

11.2.6. Consumption of liquor by entertainers

Entertainers in live stage performances may not consume liquor while performing, while on stage in view of patrons, or while in the establishment between performances.

[Liquor Control and Licensing Regulations, section 42(3); Liquor Control and Licensing Branch Policy]

[4] See policies regarding the separation between these areas in 6.5 Adjoining Licensed and Unlicensed Areas.

Authority References

Liquor Control and Licensing Act, sections 12(3)(e) and 50(2); Liquor Control and Licensing Regulations, sections 42(3) and 46; Liquor Control and Licensing Branch Policy.

11.3 Audio, Film, Video and Television

Policy Rationale

Audio, film, video and television entertainment includes any entertainment involving the use of sound equipment, a screen, or a video monitor with the exception of karaoke and games.[5] This form of entertainment is permitted in liquor primary establishments, food primary establishments, and licensed winery lounges and other winery endorsement areas. As discussed under the heading General Conditions, section 14(1)(f) of the Liquor Control and Licensing Regulations prohibit any form of entertainment or games in licensee retail stores.

The reasoning behind the policies on this topic is similar to that underlying general conditions for entertainment and for live stage performances.[6] Effective management and control of an establishment and compatibility of the entertainment with category of liquor licence held by the establishment are key considerations. Video and television broadcast policies also apply to rapidly developing new technologies, such as interactive video and broadcasts, and Internet applications. The ease with which computer terminals can be used for illegal gaming or for accessing pornography presents serious challenges for government agencies charged with safeguarding the public interest in these areas.

As with live stage performances involving adult entertainment, the following policies are not intended to address the appropriateness of the activity itself, but the concerns arising when the activity is combined with the consumption of alcohol.

Policies

11.3.1. Factors considered in imposing terms and conditions for audio, film, video and television entertainment

Audio, film, video and television entertainment may be approved in licensed liquor primary establishments, food primary establishments, and winery endorsement areas. In determining whether to impose a licence condition approving, prohibiting, restricting or limiting a type or form of film or video entertainment, the general manager may consider:

- the compatibility of the entertainment with the class or category of liquor licence held by the establishment[7]
- any impact on the licensee's ability to maintain effective management and control of the establishment
- noise, nuisance, and other negative impacts on nearby residents and businesses, and
- any other factor that may be relevant in the public interest.

[*Liquor Control and Licensing Act,* sections 12(3)(e) and 50(2); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy]

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[5] Karaoke is discussed in Patron Participation and Non-Participation Entertainment, and games involving video screens are discussed in Games in a Licensed Establishment. "Club Keno" video display boards are discussed later in this chapter in Gambling in a Licensed Establishment.

[6] Please see related comments under the Policy Rationale heading in each of the previous two sections of this chapter.

[7] Compatibility with the class or category of licence under which the establishment was licensed relates to compatibility with the terms and conditions under which the licence was originally issued. For instance, the entertainment offered in a restaurant should not have the effect of making it indistinguishable from a liquor primary establishment such as a cabaret or a pub for which the hours of operation, location, understanding with local government and police, and so on would be quite different. Alternatively, the film, video or TV entertainment offered in a liquor primary establishment should not be to the extent of making the establishment indistinguishable from a movie theatre.

11.3.2. Audio, film, video and television presentations in liquor primary establishments, food primary establishments, and winery lounges

Upon considering the factors specified in policy 11.3.1, the general manager may approve film, video and television presentations in liquor primary establishments, food primary establishments, and winery endorsement areas under the following conditions:

- all audio, film, video and television presentations in food primary establishments and winery endorsement areas must be suitable for both minors and adults
- recorded music or radio broadcasts may be presented
- live radio or television may be broadcast from within the establishment, provided the purpose of the broadcast is not the promotion of liquor
- all film and video presentations in a licensed establishment comply with the *Motion Picture Act* and Regulations
- no un-rated, restricted, or adult rated film or video is exhibited
- all film or video exhibitions must be approved by the B.C. Director of Film Classification
- for adult-oriented presentations, in liquor primary establishments only, a sign is posted in a prominent position at the entrance to the licensed establishment advising the public of the type of entertainment being provided
- prior to showing a film or video, a licence from the Film Classification Branch is acquired, and
- such other conditions as may be specified in the public interest.

[*Liquor Control and Licensing Act*, sections 12(3)(e), 49(4) and 50(2); Liquor Control and Licensing Regulations, section 46(1); Motion Picture Act Regulations, section 8; Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 12(3)(e), 49(4) and 50(2); Liquor Control and Licensing Regulations, section 46; Motion Picture Act Regulations, section 8; Liquor Control and Licensing Branch Policy.

11.4 Patron Participation and Non-Participation Entertainment

Policy Rationale

The policies on patron participation and non-participation entertainment begin with a definition of these terms. Patron participation entertainment is distinguished from stage and D.J. or video performances without a patron participation component, and from games that are entirely patron initiated — such as darts or billiards in a pub. This form of entertainment is concerned, then, with any form of entertainment (other than games) that is specifically designed to include and encourage the active involvement of patrons. Common examples of patron participation entertainment include dancing, karaoke and sing-alongs.

Of course, patron participation entertainment is also distinguished from "patron *non*-participation entertainment". Patron non-participation entertainment has a live component, as in live music and stage performances, but it does not include the active participation of patrons. Both patron participation and non- participation entertainment are distinguished from recorded or broadcast entertainment, including recorded music, radio, film, video, and television, which are not endorsed as a separate term or condition of a liquor licence[8].

Entertainment that invites patron participation can have a greater impact than some other types of entertainment on the licensee's ability to manage and control activity in the establishment. In particular, if not properly regulated, it can affect the licensee's ability to observe patron conduct. In the case of

[8] See related discussion in the previous section, 11.3 Audio, Film, Video and Television.

restaurants, the licensee must be able to ensure that minors do not consume liquor. Karaoke box style restaurants present particular challenges in this regard, and much of the policy on patron participation entertainment is designed to address this. The policy has also been designed to ensure that karaoke equipment is not used to provide other forms of entertainment in the restaurant, to preserve the primary focus on food service that is required under sections 10(1) and 46(2) of the Liquor Control and Licensing Regulations.

Compatibility with the class or category of liquor licence held by the establishment, and the licensee's ability to maintain effective management and control of the establishment, are, then, two important factors the general manager will consider in approving patron participation and non-participation entertainment. Since section 46(4) of the regulations specifies that the licensee may not provide entertainment or games that may jeopardize patron or public safety, the general manager will also consider health and safety factors associated with either of these types of entertainment.

Patron participation entertainment and late night liquor service are outside the normal terms and conditions of a food primary licence, and outside the routine steps established to assess their impacts during the application process. To ensure that community concerns about noise, nuisance and other impacts are considered, input from local government or First Nation authorities is required before patron participation entertainment will be approved for a food primary licensed restaurant. For licensed liquor primary establishments and winery lounge or special event areas, this community input process is built in as a normal part of the approval process. Additionally, the terms and conditions that apply to the liquor primary licence category help to safeguard against public safety and community standards issues that arise when entertainment is combined with alcohol consumption.[9]

Finally, the general manager will want to consider any structural alterations necessary to introduce a new form of patron participation or non-participation entertainment.[10] In particular, the alterations should not hinder the ability of staff to observe and supervise patron conduct.

Policies

11.4.1. Definitions of patron participation and non-participation entertainment

For the purposes of policies on patron participation and non-participation entertainment in licensed establishments:

- *patron participation entertainment* is any form of live entertainment that entails the active involvement of patrons or results in patrons leaving their seats, including but not limited to:
  - sing-alongs or karaoke
  - dancing, and
  - "amateur nights", in which patrons are invited to sing, dance or perform stand-up comedy routines
- *patron non-participation entertainment* is any form of live entertainment[11] that does not entail the active involvement of patrons or result in patrons leaving their seats, including but not limited to:
  - live music, and
  - stage performances.

[Liquor Control and Licensing Branch Policy]

[9] See relevant discussions in the sections dealing with Hours of Operation and Liquor Service.
[10] The licensee may be required to submit an application for a structural alteration. See related information and policies under 6.2 Structural Alterations.
[11] Recorded or broadcast presentations, such as recorded music, radio, film, video, and television, are generally *not* considered to be "patron non-participation entertainment", and do not require the licensee to seek an endorsement on their licence in order to offer them as entertainment. See related discussion and policies on audio, film, video, and television presentations earlier in this chapter.

11.4.2. Factors considered in imposing terms and conditions for patron participation and non- participation entertainment

Patron participation and non-participation entertainment may be approved in liquor primary licensed establishments, food primary licensed establishments, winery lounges, winery special event areas, winery picnic areas, and winery tour areas.[12] In determining whether to impose a licence condition approving, prohibiting, restricting or limiting a type or form of patron participation or non-participation entertainment, the general manager may consider:

- the compatibility of the entertainment with the class or category of liquor licence held by the establishment
- any impact on the licensee's ability to maintain effective management and control of the establishment
- the health and safety of staff, performers, patrons, and the public
- a local government or First Nation resolution commenting on the form of entertainment proposed, specifically in relation to noise, nuisance, and other negative impacts on nearby residents and businesses
- the nature of the entertainment and whether the hours of sale during which the entertainment is offered should be restricted
- the characteristics of any structural alterations necessary to accommodate the proposed form of entertainment.[13]
- any other factor that may be relevant in the public interest.

[*Liquor Control and Licensing Act,* sections 12(3)(e) and 50(2); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy]

11.4.3. Entertainment hours and endorsement of a food primary licence for patron participation and non-participation entertainment

Unless longer entertainment hours for a food primary establishment have been approved:

- dine and dance, and other forms of patron participation entertainment, must end by 12:00 midnight, and
- stage entertainment, and other forms of patron non-participation entertainment, must end by 1:00 a.m..

An establishment with a licence endorsement for patron participation entertainment is also considered to have an endorsement for patron non-participation entertainment, provided the patron non-participation entertainment ends by midnight.

[Liquor Control and Licensing Branch Policy]

11.4.4. Applications for karaoke box style restaurants

Unless otherwise directed by the general manager, licensing staff may approve applications from the licensees of food primary licensed establishments for karaoke entertainment in individual rooms or box-style enclosures, provided all regulation and policy requirements have been met. The application must be accompanied by:

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[12] For liquor primary establishments, and wineries with lounges, special event areas, picnic areas, and tour areas, patron participation entertainment is permitted without a special endorsement on the licence. For food primary licensed establishments, this form of entertainment may be considered at the time of an original licence application, or be considered as part of a subsequent application to amend the licence — but in both cases, notice of the application must be given to the local government or First Nation (notice to the local government or First Nation of an original food primary application would not be required in the absence of an application for patron participation entertainment). See applicable policies and process in chapter 3.0 Licensing Process.

[13] Where structural alterations are necessary to accommodate the proposed form of entertainment, the licensee will be required to submit an application to acquire approval for such alterations. See related information and policies under Structural Alterations in chapter 6 Premises. Also, see related information and policies under Restaurant Detail and Furnishings in the Premises chapter, and Audio, Film, Television, and Video Entertainment earlier in this chapter.

- a resolution from the local government or First Nation supporting the form of entertainment proposed
- a description of the proposed operation and furnishings showing that they are consistent with the service of food, and that all furniture is suitable for serving a meal to all persons in the rooms, and
- building plans showing that clear glass observation windows to be fitted in each karaoke room will
  - be free of blinds or curtains
  - have a surface area of no less than .3 square metres (3.23 square feet), and
    - be installed in such a way that there is an unobstructed view of all parts of the room.

[*Liquor Control and Licensing Act,* sections 12(3)(e) and 50(2); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy]

11.4.5. Conditions for karaoke box style restaurants

Upon approval to operate a food primary licensed establishment as a karaoke box-style restaurant, the general manager may impose the following conditions:

- the licensee, managers and all servers must be certified under the Responsible Beverage Service Program
- the hours of sale of liquor for the establishment as a whole may not exceed 12:00 midnight
- all forms of entertainment must cease at 12:00 midnight.
- the number of karaoke screen monitors must not be restricted
- doors leading into a karaoke box room may not be fitted with locks or similar devices so that all areas used for dining purposes are accessible to staff and inspection authorities at all times, and
- karaoke control centres or equipment rooms may not be used as D.J. booths for any dine and dance activity.

[*Liquor Control and Licensing Act,* sections 12(3)(e) and 50(2); Liquor Control and Licensing Regulations, section 46(1); Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 12(3)(e) and 50(2); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy.

11.5 Games in a Licensed Establishment

Policy Rationale

There are, essentially, four categories of games to which the following policies apply: 1. games and tournaments of skill or sport that involve a certain degree of physical exertion, such as darts, pool/billiards, shuffleboard and foosball; 2. electronic or mechanical games, including computer or arcade-style games such as video games or pinball machines, and "games of chance" for which there is no pay-off, such as card games, Little Casino, Golden Mini, Mini Casino, Nintendo Poker/slots; 3. games played at a table, like cribbage, bridge, chess and backgammon; and 4. contests.

These games do not include gambling or gaming involving a prize or the opportunity of pay-off for the winners. Those activities are discussed under "Gambling in a Licensed Establishment" later in this chapter. Games are also distinct from any form of entertainment that involves patron participation, such as dancing or karaoke, discussed in the previous section.

The category of liquor licence held by the establishment has a bearing on the games that will be permitted. Games in food primary licensed restaurants must be compatible with the primary operating purpose of food service. Particularly in licensed liquor primary establishments, there are considerations such as the impact upon the community and the licensee's ability to manage the establishment and control patron behaviour. The health and safety of staff, patrons, and the public is also a primary consideration in any licensed establishment. On the other hand, games are permitted and even encouraged in liquor primary establishments, in the belief that they provide a social benefit. Where patrons in lounges, pubs

and bars are offered diversions from simply drinking, they are likely to consume less. Licensee retail stores however, cannot offer games or entertainment in their stores as the provision of such is prohibited under section 14(1)(f) of the regulations.

The policy on electrical and mechanical games is designed specially for arcade-style video games directed at youth. Specifically, the games offered in a liquor primary establishment must not shift the focus so that the establishment becomes a video arcade. Video arcades are specifically excluded from licensing eligibility under section 8(2)(f) of the Liquor Control and Licensing Regulations.[14]

The policy on contests permits manufacturers to promote their products in government liquor stores, liquor primary and food primary licensed establishments, licensee retail stores, winery endorsement areas and through the media. It also allows for licensees to host contests on their own, with a manufacturer or agent or with a third party. When hosting with a manufacturer, the rules pertaining to licensee relationships with manufacturers, described in section 12, will apply.

Tournaments, distinguished from contests by the requirement for a certain degree of physical exertion and skill, are permitted in liquor primary and food primary licensed establishments and in winery endorsement areas. As with contests, licensees may host tournaments on their own, with a manufacturer or agent or with a third party with one important distinction – when a manufacturer is involved or sponsoring a licensee-associated tournament, the event must be held outside of the licensed establishment, in which case, the rules governing sponsorships will apply.[15]

Games policy pertaining to contests and tournaments serves a number of purposes. First, it helps to ensure that licensees and manufacturers run contests and tournaments that are fair and benefit the customers rather than the licensee. It also safeguards against over-crowding and over-consumption by prohibiting consumption as part of the event or drink purchases as a condition of entry, and by stipulating that the winner need not be present in order to win. By not permitting liquor to be given as a prize, the policy also ensures that the event does not lead to inducement activity, which is prohibited in section 45 of the Act, Finally, games policy prevents activities from becoming a form of gambling. Lotteries and draws requiring a purchase to win are discussed later in this chapter under "Gambling in a Licensed Establishment."

Policies

11.5.1. Factors considered in approving games[16]

Games may be approved in liquor primary and food primary licensed establishments and in winery endorsement areas. In determining whether to approve, prohibit, restrict or limit a type or form of game, the general manager may consider:

- the compatibility of the entertainment with the class or category of liquor licence held by the establishment
- any impact on the licensee's ability to maintain effective management and control of the establishment
- the health and safety of staff, patrons, and the public
- noise, nuisance, and other negative impacts on nearby residents and businesses, and
- any other factor that may be relevant in the public interest.

[*Liquor Control and Licensing Act*, sections 12(3)(e) and 50(2); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy]

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[14] Under section 8(1) of the Liquor Control and Licensing Regulations, an establishment may not acquire a liquor primary licence unless "... the business carried on in the establishment is beverage service, entertainment or hospitality". Section 8(2) goes on to qualify the meaning of a business in the "beverage service, entertainment or hospitality" and specifically excludes video arcades — along with any facility primarily oriented to youth — from among those businesses eligible for a liquor primary licence.

[15] See 12.5.5 for policy governing manufacturer-sponsored sports teams, tournaments and events.

[16] See related policies in 11.1 General Conditions.

11.5.2. Games and entertainment in licensee retail stores

Games and entertainment are not permitted in licensee retail stores.

[Liquor Control and Licensing Regulations, section 14(1)(f)]

11.5.3. Electronic and mechanical games

In approving the use of electronic and mechanical games in a licensed establishment, the general manager may impose the following conditions:

- games are permitted for amusement only and may not be used for gambling
- games offered in a liquor primary establishment must not shift the focus of the establishment to that of a video games arcade
- games offered in a food primary establishment must not shift the focus of the establishment away from the service of food during all hours of the establishment's operation, and
- such other conditions as may be in the public interest.

[*Liquor Control and Licensing Act,* sections 12(3)(e) and 36; Liquor Control and Licensing Regulations, section 46(1); Liquor Control and Licensing Branch Policy]

11.5.4. Licensee contests in licensed establishments

The licensees of liquor primary and food primary establishments, winery endorsement areas, and licensee retail stores may host contests on their premises on their own, with a manufacturer or agent or with some other third party. The following conditions apply:

- drink or other purchases are not a condition of contest entry
- an entry fee is not charged
- liquor is not offered or given as a prize
- events do not involve the consumption of liquor
- events do not involve a contact sport
- a winner does not need to be present in order to be eligible for any prizes or awards
- licensees may include contest entry forms in print ads or may mention where entry forms are available in any advertising
- licensees, their employees, and their immediate family members are not eligible to enter or win a contest, and
- such other conditions as may be in the public interest.

[*Liquor Control and Licensing Act,* sections 12(3)(e) and 50(2); Liquor Control and Licensing Regulations, section 46(1) and 57; Liquor Control and Licensing Branch Policy]

11.5.5. Liquor manufacturer contests in licensed establishments

The following conditions apply to contests held by liquor manufacturers or their agents in liquor primary and food primary establishments, winery endorsement areas and licensee retail stores:

- the manufacturer/agent must follow the Liquor Distribution Branch guidelines outlined in the *Beverage Alcohol Promotions Program for BC Liquor Stores* booklet
- the manufacturer/agent must conduct the contest, install all promotional items, and remove all promotional items within 10 days after the contest has ended
- the manufacturer/agent must record the name of anyone who wins a prize valued at over $100.00
- unless the liquor manufacturer/agent has also received approval from the Liquor Distribution Branch to offer the same contest in government liquor stores, the contest details must be documented in a buy-sell agreement described in policy 12.1.4

- licensees, manufacturers, their employees, Liquor Distribution Branch, Liquor Control and Licensing Branch employees, and immediate family members of anyone in these groups are not eligible to enter or win a contest, and
- such other conditions as may be in the public interest.

[Liquor Control and Licensing Regulation, sections 50.1 and 57; Liquor Control and Licensing Branch Policy]

11.5.6. Tournaments

The licensees of liquor primary licensed establishments may offer tournaments of skill on their premises, provided there is no manufacturer involvement. The licensee may, in accordance with policy 12.5.5, permit a manufacturer to sponsor a tournament outside the licensed establishment. Winery licensees may also offer tournaments in their licensed endorsement areas. The following conditions apply to licensee-hosted onsite tournaments and manufacturer-sponsored offsite tournaments:

- drink or other purchases are not a condition of tournament entry
- entry fees may be charged
- prizes, including money, anything of value or an opportunity to win may be offered
- liquor is not offered or given as a prize
- events do not involve the consumption of liquor
- events do not involve a contact sport
- a winner does not need to be present in order to be eligible for any prizes or awards
- manufacturers and licensees may include tournament entry forms in print ads, and may mention where entry forms are available in any advertising
- licensees, their employees, and their immediate family members are not eligible to enter or win a tournament, and
- such other conditions as may be in the public interest.

[*Liquor Control and Licensing Act,* sections 12(3)(e) and 50(2); Liquor Control and Licensing Regulations, section 46(1) and 57; Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 12(3)(e), 36, and 50(2); Liquor Control and Licensing Regulations, sections 14(1)(f), 46, 50.1 and 57; Liquor Control and Licensing Branch Policy.

11.6 Gambling in a Licensed Establishment

Policy Rationale

Under section 36(2) of the *Liquor Control and Licensing Act*, gambling is prohibited in licensed establishments. This section obliges licensees and their staff not to permit "gambling, drunkenness or violent, quarrelsome, riotous or disorderly conduct" in their establishments. Largely, the prohibition against gambling and these other behaviours is intended to enhance the licensee's ability to manage and control the licensed establishment.

Section 36(1) of the *Liquor Control and Licensing Act* excludes from the blanket prohibition on gambling anything that is licensed under sections 204 (1)(c) and 207 of the *Criminal Code*. In British Columbia, this includes lottery products that the B.C. Lottery Corporation has approved for sale in licensed establishments. It also includes draws or other contests and on-track and off-track (teletheatre) betting on horse races approved by the Gaming Policy and Enforcement Branch. Section 36(3) of the Act gives the general manager of the Liquor Control and Licensing Branch authority to restrict, cancel or prohibit these activities.

Branch policy addresses the compatibility of gambling activities with the category of liquor licence held by the establishment, and the need to control access to these activities by minor patrons. Gambling of any type is prohibited in food primary establishments, as these activities are considered to be incompatible with the primary operating purpose of food service. However, the full range of lottery products licensed by the B.C. Lottery Corporation may be sold in liquor primary establishments and certain forms of gambling may be permitted in licensee retail stores and winery endorsement areas. Finally, the number of commercial casinos and bingo halls with liquor licences is very limited, and they are strictly regulated by the B.C. Lottery Corporation and its regulatory overseer, the Gaming Policy and Enforcement Branch of the Ministry of Public Safety and Solicitor General.

The Gaming Policy and Enforcement Branch regulates all aspects of the gaming industry. Its mandate includes developing and managing gaming policy, legislation and standards in British Columbia, investigating alleged contraventions of the *Gaming Control Act* and, in cooperation with law enforcement, investigating alleged offences of relevant sections of the *Criminal Code*.

Of the activities licensed by the Gaming Policy and Enforcement Branch, only meat draws, 50/50 draws, ticket raffles and sports betting pools are approved in liquor-primary establishments, provided all of the proceeds will go to a charitable purpose and the charitable organization has obtained a licence from the Gaming Policy and Enforcement Branch. As with the policy on contests and tournaments (discussed under "Games in a Licensed Establishment"), the policy for charitable draws guards against over-crowding and over-consumption by stipulating the winner need not be present in order to win. (Unless the draw is a 50/50 draw, in which case the person must be present since 50/50 tickets do not usually include the person's name and phone number.). The policy also supports the prohibition on inducement activity, under section 45 of the Act, by not permitting liquor to be given as a prize.

There are two other types of gambling activities associated with licensed establishments — casinos and bingos. Licensed social occasion casino or bingo events are restricted to an unlicensed area adjoining the liquor primary establishment. However, commercial bingo halls and casinos do not have to maintain this separation and can apply for a liquor primary licence in the gaming area.

It is sometimes difficult to distinguish between "gambling" and "games". The policy set out below is based upon the view that gambling is the payment of money (or any other consideration) to participate in an activity that involves an element of chance, in order to win a prize.

Policies

11.6.1. Gambling not permitted

Except those activities specified as lawful under the *Criminal Code* and as permitted under the *Liquor Control and Licensing Act*, the general manager may not approve

- gambling, or
- a device used for gambling to be placed, kept or maintained in a licensed establishment.

[*Liquor Control and Licensing Act,* section 36(1) through (3); *Criminal Code*, sections 204(1)(c) and 207(1)(a), (b) and (f)]

11.6.2. Factors considered in restricting, cancelling or prohibiting an activity

The general manager may restrict, cancel or prohibit an activity otherwise permitted under policy 11.6.1. In determining whether to restrict, cancel or prohibit an activity, the general manager may consider:

- the compatibility of the activity with the class or category of liquor licence held by the establishment
- any impact on the licensee's ability to maintain effective management and control of the establishment
- noise, nuisance, and other negative impacts on nearby residents and businesses, and
- any other factor that may be relevant in the public interest.

[*Liquor Control and Licensing Act,* sections 12(3)(e), 36(3), and 50(2); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy]

11.6.3. Lottery Tickets

The sale of lottery tickets under a provincial government lottery program is a lawful activity under the *Criminal Code* and is permitted under the *Liquor Control and Licensing Act*. Upon consideration of the factors specified in policy 11.6.2, the general manager has permitted the sale of provincial lottery tickets as a form of entertainment in licensed liquor primary establishments and licensee retail stores under the following conditions:

- the licensee has been granted a lottery sales licence by the B.C. Lottery Corporation, and
- the licensee sells only lottery products licensed by the B.C. Lottery Corporation.

[*Liquor Control and Licensing Act,* sections 12(3)(e), 36(3), and 50(2); *Criminal Code*, section 207(1)(a), (b), and (f); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy]

11.6.4. Licensed Social Occasion Casinos and bingo events

The licensee of a liquor primary licensed establishment, food primary establishment, or winery endorsement area may offer licensed social occasion casinos or bingos as forms of entertainment in an area adjoining the licensed establishment, provided:

- the social occasion casino and/or bingo event is hosted by a charitable organization licensed by the Gaming Policy and Enforcement Branch, Ministry of Public Safety and Solicitor General
- the charitable organization's gaming licence is posted in a visible location within the establishment
- all of the proceeds go to a charitable purpose approved by the Gaming Policy and Enforcement Branch
- prizes do not include liquor or tokens redeemable for liquor
- liquor is not served and patrons do not consume liquor in the area set aside for casino/bingo activities
- the area where liquor service and consumption takes place is sufficiently enclosed to prevent patrons from taking liquor outside the area, and
- the event is not held in a licensed area, except in a banquet or other large room where the room can be divided so that there is an area for casino activities and a separate area for liquor service and consumption.

[*Liquor Control and Licensing Act,* sections 12(3)(e), 36(3), and 50(2); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy]

11.6.5. Commercial casinos and bingo halls

A commercial casino or bingo hall may operate the casino or bingo within a licensed establishment, without maintaining a separation between the licensed area and the area for casino or bingo activities, provided the licensee:

- is operating under a contractual agreement with the B.C. Lottery Corporation, and
- has the approval of both the general manager and the B.C. Lottery Corporation.

[*Liquor Control and Licensing Act,* sections 12(3)(e), 36(3), and 50(2); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy]

11.6.6. Charitable draws

Upon consideration of the factors specified in policy 11.6.2, the general manager may approve a charitable draw as a form of entertainment in licensed liquor primary establishments or winery endorsement areas under the following conditions:

- the draw or ticket raffle is held for a charitable purpose and is confined to a "meat draw", 50/50 ticket raffle, or sports betting pool
- the charitable organization hosting the event has obtained a licence from the Gaming Policy and Enforcement Branch, Ministry of Public Safety and Solicitor General
- the gaming licence is posted in a visible location within the premises
- the prize is not liquor or tokens redeemable for liquor
- the winner is not required to be present to collect the prize, except for a 50/50 ticket raffle, and
- disposition of the proceeds and draw sizes is done according to the requirements of the Gaming Policy and Enforcement Branch, Ministry of Public Safety and Solicitor General.

After the draw has taken place, the winner may be announced and the prize may be presented within the licensed establishment.

All other types of draws or raffles are prohibited unless there is no entry fee of any kind.

[*Liquor Control and Licensing Act,* sections 12(3)(e), 36(3), and 50(2); *Criminal Code*, section 207(1)(a), (b), and (f); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy.]

11.6.7. Pari-mutuel (off-track) betting

The licensee of a liquor primary licensed establishment may offer off-track (teletheatre outlet) betting as a form of entertainment in the licensed establishment, provided the licensee has the approval of both the general manager of the Liquor Control and Licensing Branch and the general manager of the Gaming Policy and Enforcement Branch.

[*Liquor Control and Licensing Act,* sections 12(3)(e), 36(3), and 50(2); *Criminal Code* section 204(1)(c); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, section sections 12(3)(e), 36(1) through (3), and 50(2); *Criminal Code*, sections 204(1)(c) and 207(1)(a),(b) and (f); Liquor Control and Licensing Regulations, section 46; Liquor Control and Licensing Branch Policy.

SECTION 12: Licensee Relationships with Manufacturers

12.0 Introduction

This chapter covers relationships between licensees and liquor manufacturers or their agents. The policies in this chapter relate to how liquor manufacturers and their agents can promote their products in licensed establishments and are techniques used by the branch to ensure that licensee relations with manufacturers and their agents do not present an opportunity for inducement activity by either the manufacturer and their agent or the licensee. Two recurring themes in this chapter are that promotional activity must benefit customers rather than licensees, and promotional items must not include liquor.

This chapter is organized as follows:

- General Conditions
- Promotional Items
- Consumer Taste Trials
- Theme Night Promotions, and
- Manufacturer Hospitality and Educational Activities

12.1 General Conditions

Policy Rationale

Government recognizes that liquor manufacturers/agents and retailers routinely engage in business arrangements and activities that are mutually beneficial to both parties. While these kinds of unrestrained trade practices may be appropriate for everyday products such as milk or eggs, the same cannot be said about liquor. Tied houses (establishments with an association—financial or otherwise—with a liquor manufacturer or its agent) are likely to lead to certain products being favoured. This restricts consumer choice and could also discourage the growth of small volume liquor manufacturers and act as a barrier to new manufacturers wishing to enter the marketplace. Tied houses and inducements could have the effect of decreasing costs for licensees, thus resulting in a licensee being able to provide liquor at a lower cost, which might in turn result in over consumption.

Furthermore, the provision of inducements by liquor manufacturers or their agents is most likely to be given to larger volume accounts, thus providing an additional financial advantage to certain licensees over those not receiving inducements.

The laws on tied houses and inducements reflect the belief that licensees who are beholden to manufacturers/agents, or are concerned about meeting commitments to manufacturers/agents, may be less concerned about compliance with the public safety rules prohibiting service to minors, over-service, overcrowding and illicit alcohol. For these reasons, it remains in the public interest for government to continue to regulate trade practices between liquor manufacturers and licensees in liquor retail.

Certain trade practices that would otherwise be prohibited under section 45 of the *Liquor Control and Licensing Act* are allowed by regulation. Section 50.1 of the *Liquor Control and Licensing Act Regulations* provides a framework within which legitimate trade practices between liquor manufacturers/agents and licensees can be distinguished from practices that are intended as inducements. The regulations provide a legitimate means for manufacturers and their agents to promote products to the consumer via a licensed establishment.

Some activities continue to be prohibited outright; others are permitted at any time; still others are permitted only when documented in a "buy-sell agreement" that sets out the terms the licensee and the manufacturer or its agent have agreed to, including purchase and sale of a product and promotional activities. A buy-sell agreement must not exclude, restrict or otherwise prohibit a licensee from carrying or selling the products of the liquor manufacturer's competitors.

Policies

12.1.1 Activities permitted at any time (no buy-sell agreement required)

Licensees do not need a buy-sell agreement in order to:

- accept promotional items of nominal value from a manufacturer/agent, such as coasters or tent cards in accordance with policy 12.2.1
- buy more expensive promotional items such as brand or corporately-identified clothing and novelty items from a manufacturer/agent at fair market value and re-sell or give them to customers and staff in accordance with policy 12.2.2
- buy more expensive promotional items such as brand or corporately-identified glassware at fair market value and use or re-sell them to customers in accordance with policy 12.2.2.
- conduct a contest with a manufacturer/agent in accordance with policy 11.5.5, provided the manufacturer/agent is running the same contest at the same time in government liquor stores
- accept value-added promotional items from a manufacturer/agent, that are also being offered in government liquor stores, and offer them to LRS customers in accordance with 12.2.4
- honour a manufacturer's product vouchers for redemption at a licensee retail store in accordance with policy 12.2.5
- accept product samples from a manufacturer/agent in accordance with policy 12.5.2
- allow a manufacturer/agent to visit their bar or pub and purchase drinks for their patrons in accordance with policy 12.5.1
- accept hospitality from a manufacturer/ agent, up to $25 at any one time in accordance with 12.5.4

[Liquor Control and Licensing Act Regulations, section 50.1; Liquor Control and Licensing Branch Policy]

12.1.2 Activities not permitted

Tied houses

Consistent with the considerations specified in policy 3.2.5, the following will apply to relations between a licensee and a manufacturer or its agent:

- a licensee must not agree to sell only one manufacturer's products in their establishment, or
- promote a particular product because of their association with a particular liquor manufacturer or its agent

Inducements

The following conditions apply to relations between licensees and manufacturers or their agents:

- the licensee may accept information and ideas to help improve their business, provided the information comes directly from the manufacturer or its agent, and not through an outside consultant
- the licensee must not accept advice about borrowing money or locating financing
- the licensee is prohibited from accepting any items, products or services from a manufacturer or its agent that are necessary for the operation of their business. This includes money, credit or other forms of financial assistance, as well as permanent fixtures, furnishings, products, repair costs, draught lines, glassware, games, refrigerators, shelving or permanent display structures. The one exception is that manufacturers/agents may supply plastic cups at stadiums, either with or without their logo.

- the liquor manufacturer/agent may not rent rooms from a licensee, then leave them unoccupied for licensees to rent again.
- in addition to other policies pertaining to advertising contained in Chapter 13 , licensees must pay for their own advertising.
- with permission from the manufacturer/agent, licensees can include the manufacturer's logo in their ads, but cannot demand or receive financial compensation or other consideration in return.
- the liquor manufacturer/agent may not pay for or provide entertainment in a licensed establishment other than inexpensive forms of entertainment during theme nights approved under policy 12.4.1.

[*Liquor Control and Licensing Act*, sections 18 and 45; Liquor Control and Licensing Act Regulations, sections 50.1 and 57; Liquor Control and Licensing Branch Policy]

12.1.3 Activities permitted with a buy-sell agreement only

Except for items of nominal value described in policy 12.2.1, all permitted promotional activity between a manufacturer or its agent and a licensed establishment must be documented in a buy-sell agreement described in policy 12.1.4. With a buy-sell agreement a licensee may:

- borrow from a manufacturer/agent more expensive promotional items described in policy 12.2.2.
- hold a theme night approved under policy 12.4.1 with a manufacturer/agent .
- hold a joint promotion (such as a brewmaster's or winemaker's dinner) approved under policy 12.2.3 with a manufacturer/agent.
- conduct a contest with a manufacturer/agent in accordance with policy 11.5.5, that is not being offered in government liquor stores
- allow a manufacturer/agent to sponsor a licensee-associated sports team, tournament or event held offsite at an unlicensed venue or licensed stadium, recreational centre, concert hall, university or cultural centre, in accordance with policy 12.5.5
- attend educational events and activities put on by a manufacturer/agent and accept payment from the liquor manufacturer for travel and other costs, up to $1,000 per year, in accordance with policy 12.5.3
- accept hospitality from a manufacturer/agent for costs not associated with an educational event or activity, worth up to $1,000 per year, besides any in-province travel costs related to the event , in accordance with policy 12.7.4.
- accept value-added promotional items from a manufacturer/agent, that are not being offered in government liquor stores, and offer them to LRS customers in accordance with policy 12.2.4.
- accept more expensive promotional items such as brand or corporately-identified clothing and novelty items to give away to customers in accordance with policy 12.2.2.

[*Liquor Control and Licensing Act*, section 45; Liquor Control and Licensing Regulations, section 50.1; Liquor Control and Licensing Branch Policy]

12.1.4 Buy-sell agreements

All buy-sell agreements must include the:

- name and licence number of the manufacturer/agent, or representative
- name and licence number of the licensee
- start and end date of the agreement with a term no longer than 3 years
- terms of agreement as agreed to by the licensee such as the purchase of product including brands and quantities and/or the display of point-of-sale or promotional materials
- promotional activities and items, including retail value, which are supplied by the liquor manufacturer/agent
- manufacturer/agent signature and licensee or manager signature

The licensee must retain a copy of the buy-sell agreement for two years following the agreement's expiry date. A copy of the buy-sell agreement must be retained at each of the licensed establishments to which

the agreement applies. The licensee must be able to produce a copy of the buy-sell agreement to the general manager immediately upon request. A sample template for a buy-sell agreement is provided on the next page.

[Liquor Control and Licensing Regulations, section 50.1; Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 18 and 45; Liquor Control and Licensing Regulations, sections 50.1 and 57; Liquor Control and Licensing Branch Policy

BUY-SELL AGREEMENT

Between

Parties: _____ and _____
Liquor Manufacturer/Agent (*licence name as shown on face of licence*) | Licensee (*licence name as shown on face of licence*)

_____ and _____
Liquor Manufacturer/Agent Licence Number | Licensee Licence Number

Purpose: The contractual obligations stated below are agreed to and will be adhered to by both Parties throughout the duration of this agreement.

Duration *(must not exceed 36 months)*

Start Date: _____ End Date: _____

Terms Agreed to by Licensee:

1. _____ hereby agrees to:
(Licensee)

A. Purchase or order over the duration period:

Product Name	UPC	Size	Quantity / Volume

B. Placement of product displays, promotional displays or items, point-of-sale or other similar material:

_____

_____

_____ Over the duration period.

Terms Agreed by Liquor Manufacturer/Agent:

2. In return for the considerations noted above _____ agrees to:
Liquor Manufacturer/Agent

A. Provide (promotional items such as mirrors, ceramic draft beer towers, menu boards, patio umbrellas, or T-shirts, hats, etc.):

_____

_____

_____ RETAIL VALUE: _____

B. Conduct (theme night, manufacturer's dinner, or non-LDB approved contest):

_____

_____

_____ RETAIL VALUE: _____

C. Implement Value-Added Promotions (on-packs, near-packs, or coupons):

_____

_____

_____RETAIL VALUE: _____

D. Other (educational events or activities):

_____

_____

_____RETAIL VALUE: _____

Conditions and Understanding:

Promotional activities must be directed to the consumer and promotional items must be provided to or be for the principal benefit of patrons.

This Agreement shall not exclude, restrict or otherwise prohibit the licensee from carrying, selling, or displaying the products of any other liquor manufacturer/agent.

Both Parties agree to maintain, on site, certifiable copies of this Buy-Sell Agreement and any related documents for two years after their expiry date. All such documents must be available and provided, without delay, when requested by the general manager of the Liquor Control and Licensing Branch.

Buy-Sell Agreements must not exceed 36 months in duration.

Value-added items may not exceed 20% of the retail price of the liquor item being promoted.

The names of recipients of prizes over $100 must be recorded and retained with this agreement.

Despite any provision in this agreement to the contrary, the Parties agree not to engage in any promotional activity that is not, or that ceases to be, authorized under one or more of:

a. The Liquor Control and Licensing Act
b. The Liquor Control and Licensing Regulation
c. The terms and conditions to which one or more of the parties are subject to under licence from the Liquor Control and Licensing Branch.

This Agreement and its contents have been read and are fully understood.

Authorized Signatory:

_____ and _____

Liquor Manufacturer/Agent Name — Licensee (or Manager)

_____ _____

Position or Title — Position or Title

Dated this _____ day of _____ 2_____at_____ , British Columbia.

12.2 Promotional Items

Policy Rationale

As discussed under General Conditions, the policies relating to promotional items are based on the principles that items provided to a licensee should benefit the customers and not the licensee, items should not promote over-consumption, and should not restrict other brands from being made available to the public. Promotional items that may be supplied by a liquor manufacturer or its agent to a licensee can include items of nominal value (such as coasters, posters and tent cards); more expensive items such as brand or corporately-identified clothing and novelties (such as shirts, caps and key chains); items (such as mirrors, patio umbrellas, and temporary display structures on loan for the period identified in the buy-sell agreement); product vouchers and value-added items such as "on-packs," where a small bottle of liquor is attached to a bottle or case of liquor. Food-primary licensees may also host joint promotional dinners with manufacturers.

Except for items of nominal value, brand and corporately–identified items that licensees buy and re-sell or give to their customers and staff, and value-added promotional items approved for government liquor stores, all promotional items a licensee receives from a liquor manufacturer or its agent must be documented in a buy-sell agreement.

Manufacturer promotional items that are given to licensees free of charge are intended for customers, and licensees must not keep these items or give them to their staff. However, during theme night promotions, the liquor manufacturer or agent may provide brand or corporately-identified clothing or other novelty items to be worn by staff. This is discussed in the section pertaining to theme nights.

Policies

12.2.1. Promotional Items of Nominal Value

Licensees may accept promotional items of nominal value such as coasters, tent cards and posters from liquor manufacturers or their agents, provided:

- the licensee's menu already lists the brand of liquor identified in the promotional materials.
- it does not appear that the licensee is promoting a particular liquor product or the products of a particular manufacturer.

[Liquor Control and Licensing Regulation, section 50.1(1); Liquor Control and Licensing Branch Policy]

12.2.2. More Expensive Promotional Items

A buy-sell agreement described in policy 12.1.4 is required for a licensee to:

- receive on loan from a manufacturer or its agent for a specified period of time, more expensive promotional items with the manufacturer's name or brand, including:
  - signs, patio umbrellas, ceramic draught beer towers, mirrors, menu boards, etc.
  - temporary display structures and related promotional items provided all displays and promotional items remain the property of the manufacturer and are removed at the end of the period identified in the buy-sell agreement.
- accept, free of charge, from a manufacturer or its agent, brand or corporately-identified clothing or novelty items such as t-shirts, hats, keychains, provided the items are given (not sold) to customers nor kept by the licensee for themselves, their staff or future promotions.

A buy-sell agreement is not required when a licensee purchases:

- brand or corporately-identified glassware from a manufacturer or its agent at fair market value for use in the licensed establishment or to resell to staff or customers
- brand or corporately-identified clothing or novelties from a manufacturer or its agent at fair market value resell to staff or customers.

[Liquor Control and Licensing Regulation, section 50.1(1); Liquor Control and Licensing Branch Policy]

12.2.3. Joint promotional dinners

Food-primary licensees may enter into a joint promotion with a liquor manufacturer or its agent to feature a manufacturer's products during a special event, such as a brewmaster dinner. The following conditions apply:

- the event includes a full meal
- liquor served at the event is purchased from the licensee's regular Liquor Distribution Branch liquor store or other designated outlet
- manufacturer or its agent must attend the event
- the licensee and manufacturer/agent may both advertise the event
- there is no limit on the number of dinners that may be held.

[Liquor Control and Licensing Regulation, sections 50.1 and 57; Liquor Control and Licensing Branch Policy]

12.2.4. Value-Added Promotions in Licensee Retail Stores

Licensee retail store licensees may accept value-added promotional items from liquor manufacturers and their agents to offer to their customers. Value-added promotional items not simultaneously being offered in a government liquor store must be recorded in a buy-sell agreement as per policy 12.1.4.

Value-added promotional items must be of nominal value, not exceeding 20 per cent of the retail price of the base product and may include:

- "on-packs," where a liquor-related or branded item such as a corkscrew is attached to a bottle or case of liquor (a small bottle of liquor may be attached only when the promotion is also running in a government liquor store for the same promotion period)
- "in-packs," where an item other than liquor, such as a T-shirt, is included inside a case of liquor, and
- "near-packs," where an item other than liquor, such as a bag of chips, is placed near or alongside a liquor product and is given away whenever that product is purchased
- third-party coupons attached to a liquor product by a neck tag or back label, or placed inside a case, provided they are not for a rebate or reduction on the purchase price of a liquor product, for a free liquor product of any kind, or for cash.

The following conditions apply to value-added promotions in licensee retail stores:

- LRS licensees may keep leftover items at the end of the promotional period and continue to offer them to their customers until they are gone; but must not retain items for personal use or future promotions
- promotions must follow the Liquor Distribution Branch guidelines outlined in *The Beverage Alcohol Promotions Program for BC Liquor Stores* booklet
- both the licensee and manufacturer /agent may advertise promotions

[Liquor Control and Licensing Regulation, section 50.1; Liquor Control and Licensing Branch Policy]

12.2.5. Product Vouchers for redemption at licensee retail stores

Licensee retail store licensees may enter into an agreement to honour a manufacturer's product voucher. The following conditions apply:

- product vouchers must not exceed these size limits:
  - distilled spirits – smallest available size per product (not exceeding 1.14 litres)
  - wine – smallest available size per product (not exceeding two litres)
  - Beer/cider/coolers – one dozen smallest available size bottles or cans (total not exceeding four litres)
- The manufacturer/agent must pay the licensee the full retail price for the quantity of liquor specified on the voucher, and
- The licensee is not permitted to charge or receive a redemption fee from the manufacturer/agent.

[Liquor Control and Licensing Act, sections 45 and 52(5); Liquor Control and Licensing Regulation, section 50.1; Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 45 and 52(5); Liquor Control and Licensing Regulation, sections 50.1 and 57; Liquor Control and Licensing Branch Policy

12.3 Consumer Taste Trials

Policy Rationale

Breweries, wineries and distilleries are permitted to offer free samples of their various liquor products to visitors during informational tours of their facilities – provided they have a designated sampling room and have received permission from the general manager. Because many manufacturers find it difficult to draw prospective customers to the manufacturing facility and because it is easier to market test and promote products to customers at the retail level, manufacturers may hold taste trials away from the manufacturing location.

Liquor manufacturers and their agents can introduce a new liquor product to their customers in a government liquor store or, in a licensee retail store or food primary licensed restaurant, through a consumer taste trial[1]

In spite of a consumer taste trial being hosted by the manufacturer, the licensee remains accountable for all that occurs on the premises. For this reason, certain obligations apply to the licensee as distinct from the manufacturer. Section 14(1)(g) of the Liquor Control and Licensing Regulations specifies that liquor may not be consumed in licensee retail stores "except as authorized by the general manager". Unless otherwise specified by the general manager, the licensee of a retail store has the discretion to conduct a consumer taste trial in the store, with or without a manufacturer/agent – in accordance with the policies set out in this section.

Consumer taste trials are also permitted in restaurants. In this setting, liquor consumption is already permitted. Nevertheless, because taste trials have a different focus or purpose than typical liquor consumption in restaurants – that is, liquor served in a promotional context rather than as an accompaniment to a meal – there is a need to provide for it as a separate activity. Moreover, because liquor consumption is already occurring in a licensed restaurant, there is a need to monitor the activity more carefully.

The general manager's authority to set such monitoring conditions come under section 12(3) of the Act which allows the general manage to set policy that applies generally to a class of licence or to attach terms and conditions to a specific licence. To enable greater scrutiny of taste trials in restaurants,

[1] Similar opportunities to introduce new products are available to manufacturers in liquor primary licensed establishments. See related discussion and policies under Theme Night Promotions later in this chapter.

there are some notable differences between the conditions apply to this activity in restaurants and those applying in licensee retail stores. For example, a manufacturer/agent, hired server or licensee retail store staff person may serve customers at a taste trial held in a licensee retail store, but in a trial held in a restaurant, the restaurant staff are the only ones permitted to serve the sampled product.[2]

There are requirements that limit the quantities which may be offered a customer at taste trials, and that address the control of opened product during and following a taste trial. These requirements are consistent with the requirements under the Act and regulations regarding the effective management and control of a licensed establishment. Finally, conditions consistent with the prohibition against serving minors or persons under the influence of alcohol also apply to consumer taste trials.

Overall, these policies have been carefully crafted to ensure that consumer taste trials in licensee retail stores and restaurants are consistent with the broader principles of liquor regulation. Additionally, the policies are intended to address the activity that is an opportunity for liquor manufacturers and licensees to introduce the taste of a product to customers at the point-of-sale rather than an opportunity for drinking.

Policies

12.3.1. Objectives of consumer taste trials

The general manager may permit free samples of liquor to be offered to customers during consumer taste trials in licensed food primary establishments and licensee retail stores[3], provided these taste trials have the objective of:

- increasing the level of consumer awareness about product availability
- allowing consumers to taste new products introduced by manufacturers, or
- allowing consumers to taste products they may not normally purchase, but that are listed with the Liquor Distribution Branch.

[*Liquor Control and Licensing Act*, section 12(3); Liquor Control and Licensing Regulations, section 14(1)(g); Liquor Control and Licensing Branch Policy]

12.3.2. Conduct of consumer taste trials in licensee retail stores

The following conditions apply to the conduct of consumer taste trials in licensee retail stores:

- the taste trial can be offered by the licensee or by a manufacturer/agent
- the time and length of a taste trial is within the discretion of the licensee and manufacturer/agent, but all tasting must end thirty minutes before the store's closing time
- only one consumer taste trial may be conducted in a store at any one time
- personnel used to serve beverage samples during a consumer taste trial hosted by a licensee may be store staff or hired servers
- personnel used to serve beverage samples during a consumer taste trial hosted by a manufacturer are provided by the manufacturer and may either be a licensed agent of the manufacturer or a server hired by the manufacturer/agent who is familiar with the rules governing consumer taste trials
- demonstrations of food and wine pairing or other types of food preparation demonstrations are permitted provided:
  - food ingredients or final product are not for sale (the licensee may charge an attendance fee for the event)
  - primary function of the establishment remains that of a retail outlet

[2] The regular staff are in the best position to monitor liquor consumption for the duration of a patron's visit – before, during, and after the taste trial. On balance, then, the risk that a licensee's staff serving the liquor samples may be perceived as inducement activity under section 45 of the Act is offset by the greater public good of ensuring that the principles of responsible beverage service are observed during these taste trials.

[3] Similar opportunities to introduce new products are available to manufacturers in licensed liquor primary establishments. See related discussion and policies under Theme Night Promotions later in this chapter.

- licensee complies with rules respecting consumer taste trials when beverage samples are also served, and
- such other conditions as may be considered appropriate by the general manager.

[Liquor Control and Licensing Regulations, section 14(1)(g); Liquor Control and Licensing Branch Policy.]

12.3.3. Conduct of consumer taste trials in restaurants

The following conditions apply to the conduct of consumer taste trials in licensed food primary establishments:

- food service must be available at all times during the period of consumer tasting
- the manufacturer/agent must be present at all times during the period of consumer tasting
- the product must be dispensed by the licensee or staff of the establishment in accordance with policy 12.3.6 which outlines the manner in which beverage alcohol is to be handled, and
- such other conditions as the general manager considers to be appropriate.

[*Liquor Control and Licensing Act,* section 12(3); Liquor Control and Licensing Branch Policy]

12.3.4. Charges and product purchases

The following conditions apply to charges assessed and purchases made for consumer taste trials:

- a licensee may not charge a manufacturer/agent a fee for demonstration space or for conducting the taste trial
- *Revised Oct 2008* liquor may not be donated by manufacturers for tasting purposes (unless the liquor is donated to a SOL holder for a charitable tasting event, and all liquor products used for consumer tasting must be purchased by the manufacturer/agent from the store's inventory/restaurant's stock
- the price paid by the manufacturer/agent must be no less than the price paid for the product by the store operator or restaurateur and no more than the price normally charged to consumers, and
- the licensee must issue a countersigned receipt for the dollar value of sampled product to the manufacturer/agent, a copy of which should be retained by both parties for audit purposes.

[*Liquor Control and Licensing Act,* sections 45(1) and 45(2); Liquor Control and Licensing Regulations, section 41(2); Liquor Control and Licensing Branch Policy]

12.3.5. Maximum sample quantities in licensee retail stores and food primary establishments

The free samples are permitted provided they are served in small quantities using plastic glassware, and provided the maximum quantities allowed to each consumer for each sample at the consumer taste trial are:

- in a licensee retail store:

	Single Product	Multiple Product[4]
Wine	20 ml	30 ml
Beer/Cider/Cooler	30 ml	45 ml

- in a food primary establishment:

	Single Product	Multiple Product
Wine	30 ml	45 ml
Beer/Cider/Coolers	30 ml	45 ml
Spirits	10 ml	20 ml

[*Liquor Control and Licensing Act*, section 12(3); Liquor Control and Licensing Branch Policy]

12.3.6. Service and management of open beverage alcohol

Responsible beverage service principles apply during taste trials, including the following:

- the manufacturer/agent may not serve a minor or a person who is apparently under the influence of alcohol, and
- the manufacturer/agent may not leave supplies of open beverage alcohol unattended at any time.

Beverage alcohol must be handled as follows:

- opened product that has not been tasted must be destroyed at the end of the taste trial, with the exception of spirits and wine in a restaurant, which may be returned to stock, and
- unopened product must be returned to the store inventory or restaurant stock and a refund made to the manufacturer/agent at the price paid for the product.

[*Liquor Control and Licensing Act*, sections 12(3), 33(1), and 43(1); Liquor Control and Licensing Branch Policy]

12.3.7. Advertising

The general manager may approve advertising material for use with consumer taste trials and impose the following conditions:

- all point-of-purchase show material used to support a manufacturer-hosted consumer taste trial is provided by the manufacturer/agent
- consumer taste trials may be advertised by a licensee or by the manufacturer, and
- such other conditions as the general manager considers to be appropriate.

[*Liquor Control and Licensing Act*, sections 12(3)(j); Liquor Control and Licensing Regulations, sections 57; Liquor Control and Licensing Branch Policy]

[4] Quantities for multiple product tasting apply only where more than one product is being presented at any one time by a single supplier. The quantity for multiple products is a total of all products offered.

Authority References

Liquor Control and Licensing Act, sections 12(3), 33(1), 43(1), 45(1), and 45(2); Liquor Control and Licensing Regulations, sections 14(1)(g), 41(2) and 57; Liquor Control and Licensing Branch Policy.

12.4 Theme Night Promotions

Policy Rationale

In the context of theme night promotions, liquor manufacturers are offered an incentive to contribute further to their communities – they may take advantage of a promotional opportunity in exchange for an educational message about drinking in moderation, the consequences of alcohol misuse and abuse, or a message of similar importance to assist the public in understanding the effects of alcohol consumption.

Theme night promotions are permitted in licensed liquor primary establishments, except in those establishments that are located on college or university campuses.[5] Section 45 of the *Liquor Control and Licensing Act* prohibits licensees from accepting benefits, either directly or indirectly, in return for promoting a particular brand of liquor. It also specifies that a licensee's employees may not promote a particular type of liquor. For this reason, the policy on theme night promotions, like the consumer taste trial policy, is crafted to ensure the theme night is a manufacturer, and not a licensee, activity.

The licensee is accountable for all that occurs on the premises, so the policy reflects both the specific requirements placed on the licensee during these events, as well as the requirements for manufacturers. The general manager has allowed "theme night promotions" in licensed establishments under strictly controlled circumstances that are similar, in several respects, to the consumer taste trials discussed in the previous section. A fuller appreciation of the rationale for theme night promotions can, therefore, be acquired by reading the policy rationale in that section.

Policies

12.4.1. Educational component

The general manager may approve a theme night promotion in a licensed liquor primary establishment, provided the event has an educational component promoting:

- public awareness of provincial liquor laws and policies
- public awareness about alcohol abuse
- messages related to the consequences of drinking and driving
- industry or corporate sponsored publications or programs featuring responsibility in beverage consumption, or
- such other message as may be considered in the public interest.

[*Liquor Control and Licensing Act,* section 12(3); Liquor Control and Licensing Regulations, section 50.1; Liquor Control and Licensing Branch Policy]

12.4.2. Conduct

There are no limits on the number of theme nights a liquor manufacturer/licensee can hold, but they are subject to the following conditions:

- the manufacturer/agent must be in attendance at the establishment during at least part of each function
- the offer or invitation to taste the product must be made by the manufacturer/agent and not by the licensee or regular staff of the establishment

[5] Theme night promotions are not permitted in food primary licensed restaurants because this activity is deemed to be incompatible with a restaurant's primary operating purpose of food service; however, restaurants and Licensee Retail Stores are permitted to hold consumer taste trials. See related discussion and policy under Consumer Taste Trials earlier in this chapter.

- servings of product samples from a separate service counter or bar (or other area set up for that purpose at the discretion of the licensee) must be dispensed by personnel provided by the manufacturer/agent who are familiar with the rules governing theme night promotions
- servings of product samples to patrons at their tables must be dispensed by the licensee or regular staff of the establishment
- the licensee must have food available for patrons at all times during the theme night
- the licensee and manufacturer/agent must enter into a buy-sell agreement described in policy 12.1.4

[*Liquor Control and Licensing Act*, sections 12(3); Liquor Control and Licensing Regulations, section 50.1; Liquor Control and Licensing Branch Policy]

12.4.3. Activities permitted during theme night promotions

The following conditions apply to activities undertaken during a theme night promotion approved under policy 12.4.1:

- liquor manufacturers or their agents and licensees can advertise theme night promotions both on-site and off-site, provided they follow the advertising rules outlined in Chapter 13
- liquor manufacturers or their agents may provide inexpensive forms of entertainment during the theme night, such as games. Payment for more expensive forms of entertainment – live performers or DJs, for example – is prohibited unless approved by the general manager.
- liquor manufacturers or their agents may run contests in accordance with policy 11.5.4 and 11.5.5 governing these activities and present prizes as follows:
- prizes may be brand or corporately identified unless the general manager directs otherwise
- gambling is prohibited.
- liquor manufacturers/agents may provide clothing or novelty items identifying the featured liquor name or brand(s) to be worn by licensees' employees (and may permit employees to keep the clothing or items after the event)
- brand or corporately identified items not distributed by the end of the event must be removed by the agent/manufacturer or given (not sold) to staff and may not be retained by the licensee for themselves or future promotions.

[*Liquor Control and Licensing Act*, sections 12(3)(j) and 52(5); Liquor Control and Licensing Regulations, sections 41(2), 42(2), 46(1), 50.1, 56, and 57; Liquor Control and Licensing Branch Policy]

12.4.4. Charges and product purchases

The following conditions apply to the charges and product purchases for a theme night approved under policy 12.4.1:

- liquor may not be brought into an establishment by an agent or any other person, and any liquor provided to patrons by the manufacturer/agent must be purchased from the licensee
- gratuities or tipping by the manufacturer/agent may not exceed 15 per cent
- the licensee may not give liquor away free but may establish reasonable special prices for promotions[6]
- the licensee may charge a corkage fee in addition to the licensee's purchase cost for products used for sampling purposes
- licensees may not charge the manufacturer/agent a fee for conducting a theme night promotion other than the price of the liquor purchased to conduct the promotion, and
- the licensee must issue a countersigned receipt for the dollar value of sampled product to the manufacturer/agent, a copy of which should be retained by both parties for audit purposes.

[6] See related discussion and policies in the section on Pricing in Chapter 7.

[*Liquor Control and Licensing Act,* sections 45(1), and 45(2); Liquor Control and Licensing Regulations, sections 41(2) and 50.1; Liquor Control and Licensing Branch Policy]

12.4.5. Maximum sample quantities during theme night promotions

Free samples may be served during a theme night promotion provided the samples are in small quantities using plastic glassware, and provided the maximum quantities allowed to each consumer for each sample is:

	Single Product	*Multiple Product*[7]
Wine	30 ml	45 ml
Beer/Cider/Cooler	30 ml	45 ml
Spirits	10 ml	20 ml

[*Liquor Control and Licensing Act,* sections 12(3); Liquor Control and Licensing Regulations, section 50.1; Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 12(3), 33(1), 43(1), 45(1), 45(2), 50.1 and 52(2); Liquor Control and Licensing Regulations, sections 14(1)(g), 41(2) , 42(2), 46(1), 56 and 57; Liquor Control and Licensing Branch Policy.

12.5 Manufacturer Hospitality and Educational Activities

Policy Rationale

The policies in this section set limits on how liquor manufacturers and their agents may extend hospitality and provide educational activities and sponsorship to licensees in liquor retail. These policies generally follow from the previous sections and are based on the principles outlined in the General Conditions section; that is, unregulated relationships between liquor manufacturers/agents and licensees may lead to certain products being favoured, which restricts consumer choice and is a barrier to new manufacturers wishing to enter the marketplace.

Regulatory authority for promotional activity is found in section 50.1, which enables the general manager to exempt a liquor manufacturer, agent or licensee from one or more prohibitions and restrictions in section 45 of the Act, and to establish a set of terms and conditions respecting promotional activities that may apply to the licences of the licensee and manufacturer receiving the exemption.

The policies below outline legitimate trade practices manufacturers and their agents may undertake to promote their products to the consumer by means of a licensed establishment. In a licensed establishment, manufacturers and their agents may introduce their product directly to patrons. While mass treating is prohibited, it is permissible for manufacturers and their agents to purchase a normal serving of the manufacturer's product at the same price a patron would pay and treat one table of patrons at a time. To introduce a product to licensees and their staff, manufacturers and their agents may occasionally leave a product sample that does not exceed the sizes identified in the policy.

A common trade practice is for manufacturers and their agents is to invite a licensee to participate in an activity or event designed to educate the licensee on the manufacturer's products or increase the licensee's ability to sell the products. In these situations, a licensee's legitimate travel, meal, accommodation and entertainment expenses associated with the event or activity may be paid by the manufacturer but the total amount is restricted by a dollar limit; the amount depending on whether the licensee has one or multiple licensed establishments. A manufacturer and its agents may also pay for

[7] Quantities for multiple product tasting apply only where more than one product is being presented at any one time by a single supplier. The quantity for multiple products is a total of all products offered.

non-educational events or activities to a maximum of $1000 per year, per establishment (in additional to any travel costs within British Columbia that are related to the event or activity). Hospitable actions exceeding $25 must be documented in a buy-sell agreement.

Permitted under Section 60 of the Regulations are manufacturer-sponsored events or activities, including those that are sports-related. However, to avoid contravention of Section 18 of the Act which prohibits "tied houses" (situations where an establishment has an association -- financial or otherwise --with a liquor manufacturer or its agent), a manufacturer or agent may sponsor a team, tournament or sports event associated with a licensed establishment provided it is played outside the licensed establishment and the details are documented in a buy-sell agreement described in policy 12.1.4.

Policies

12.5.1. Buying Drinks for Patrons

The actions of liquor manufacturers and their agents when visiting licensed establishment are restricted. Mass treating or "buying drinks for the house" by a manufacturer/agent is not permitted, and manufacturers/agents may not leave money for this purpose. They may, however, purchase drinks for patrons, provided:

- the liquor serving provided to each customer at one time is not greater than the normal serving for that establishment.
- each order is paid for at the time it is served (the order may be put on a "tab" provided the account is settled before the agent leaves the establishment), and that drink prices are the same as the licensee would charge regular patrons.
- the manufacturer or their agent does not treat more than one table at a time, except where it involves a bona fide sporting team.
- the licensee issues a countersigned receipt for the dollar value of purchased product to the agent (both parties should retain a copy).
- the manufacturer or their agent does not bring liquor products into a licensed establishment for the purpose of sampling (unless it is a theme night promotion event arranged according to the policies set out in section 12.4).

[*Liquor Control and Licensing Act* section 45; Liquor Control and Licensing Regulation, section 50.1; Liquor Control and Licensing Branch Policy]

12.5.2. Product Samples

Liquor manufacturers and their agents may occasionally give a product sample to licensees to introduce a product. Only the licensee and staff may consume this product, in a private place outside of the licensed area. It is not intended for the patrons of the establishment and must not be purchased or consumed by them. Samples provided by a liquor manufacturer or its agent must be recorded in the licensees' liquor register.

Liquor manufacturers and their agents must not provide a licensee with more than one standard size bottle per year which is:

- Distilled spirits – smallest available size per product (not exceeding 1.14 litres).
- Wine – smallest available size per product (not exceeding two litres).
- Beer, domestic cider or coolers – one dozen smallest available size bottles or cans (total not exceeding four litres).

Notwithstanding the above, if a new wine vintage is released within the same year that an earlier vintage was provided as a sample, a liquor manufacturer or its agent may provide a sample of the new vintage within the same year.

[*Liquor Control and Licensing Act* section 45; Liquor Control and Licensing Regulation, section 50.1; Liquor Control and Licensing Branch Policy]

12.5.3. Educational Events and Activities

Where the primary purpose of an event or activity is to educate the licensee on a product, a liquor manufacturer or its agent may pay legitimate travel (within British Columbia), meal, accommodation, and entertainment expenses provided they are documented in a buy-sell agreement in accordance with policy 12.1.4 and comply with the following conditions:

- expenses paid must not exceed $1,000 per licensee location per year,
- expenses paid for a licensee with multiple licensed establishments must not exceed $1,000 per person to a maximum of $3,000 per licensee head office
- where the primary purpose or the majority of time spent at the event or activity is entertainment, recreational, or sporting in nature and not educational, it must follow the rules for hospitality in policy 12.5.4.

[*Liquor Control and Licensing Act* section 45; Liquor Control and Licensing Regulation, section 50.1; Liquor Control and Licensing Branch Policy]

12.5.4. Hospitality

Liquor manufacturers and their agents may engage in hospitality with licensees to a maximum of $1000 per establishment per year. Additional in-province travel expenses, which are appropriate and related to the event, are also permitted. These must be recorded in a buy-sell agreement described in policy 12.1.4. Hospitality costs under $25 do not have to be recorded in a buy-sell agreement, but receipts must be provided on demand.

[*Liquor Control and Licensing Act* section 45; Liquor Control and Licensing Regulation, section 50.1; Liquor Control and Licensing Branch Policy]

12.5.5. Sponsorships

Manufacturer-sponsored events are not generally permitted in licensed establishments due to laws prohibiting tied houses. Manufacturers are permitted to sponsor licensee-associated sports teams, tournaments[8] or events held offsite, provided the details are documented in a buy-sell agreement described in policy 12.1.4. The sponsored activity may be held at:

- unlicensed venues, or
- licensed:
  - sports stadiums
  - recreational centres (including ski hills, racquet clubs and bowling alleys)
  - concert halls
  - university or cultural centres,

and must meet the following criteria:

- a sponsored activity must be time-limited and not part of an on-going relationship with the licensed establishment
- the manufacturer/agent must notify the Liquor Control and Licensing Branch, in writing, at least 14 days before any sponsored activity takes place if:
  - the sponsorship is for more than $1500, or
  - it involves a licensed establishment.

[8] See policies 11.5.5 and 11.5.6 for conditions that apply to manufacturer-sponsored contests and tournaments.

Manufacturer-sponsored activities held at a licensed venue require a buy-sell agreement between the manufacturer and the venue and when a licensed establishment is also associated with the activity, a separate buy-sell agreement is required between the manufacturer and the licensed establishment.

[*Liquor Control and Licensing Act* section 45; Liquor Control and Licensing Regulation, sections 50.1 and 60; Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 45; Liquor Control and Licensing Regulations, sections 50.1 and 60; Liquor Control and Licensing Branch Policy.

SECTION 13: Advertising and Signage

13.0 Introduction

This chapter covers topics that relate to licensee signage and advertising. A recurring theme in this chapter is that no advertising of liquor or of licensed establishments should encourage consumption or irresponsible drinking behaviour, nor should it target minors.

These policies are discussed under the heading:

- General Conditions.

13.1 General Conditions

Policy Rationale

Policies governing advertising have been crafted with public safety principles in mind, primarily that consumption should not be encouraged, and that irresponsible consumption should be prevented. Liquor licensees and manufacturers may advertise their products, but they must comply with Liquor Control and Licensing regulations. The regulations incorporate the Canadian Radio-television and Telecommunications Commission's *Code for Broadcast Advertising of Alcoholic Beverages* as the advertising code for the province.

Advertising that misleads patrons as to the nature of the establishment is contrary to the public interest. An advertisement or sign for a licensed establishment must reflect the type of class or category of licence the establishment holds. While a liquor primary licensed establishment may use terms such as bar, saloon, cantina or tavern in its name, a food primary licensed restaurant may not use them — except in reference to a lounge in the restaurant — because such terms may confuse the public about the restaurant's primary function, which is to serve food.

Any signs, including signs bearing the name of a licensed establishment, are considered to be advertising and must comply with the advertising terms and conditions outlined in this chapter. Signs must also comply with local government bylaws.

The policy for approval of Fetal Alcohol Syndrome (FAS) warning signs is designed to encourage display of signs warning about the risks of consuming alcohol during pregnancy. FAS signs are approved for posting in licensed establishments as long as they comply with municipal bylaws.

The policies below specify the nature of the information that may be advertised, as set out in the regulations and as currently approved by the general manager.

Policies

13.1.1. Nature of the information provided

The nature of information provided on a sign or advertisement may include:

- liquor prices, including specials
- hours of sale
- featured entertainment or food
- the kind of liquor and/or specific liquor brands and manufacturers offered
- the availability of off-premise sales if the licence is so endorsed

An advertisement or sign may not:

- encourage people to drink liquor or to drink irresponsibly

- show people drinking liquor, or anyone who is either intoxicated or behaving irresponsibly or illegally
- associate liquor with driving
- be directed at minors or placed in locations used or visited mostly by minors, such as video arcades, playgrounds, or stadiums that are used primarily for minor sports
- be shown on a theatre screen before a movie, if the movie being presented is primarily for a young audience
- promote contests and tournaments involving wet T-shirts, wet jockey shorts, bare-as-you-dare, or similar themes or activities
- depict liquor as:
  - one of life's necessities
  - key to social acceptance or personal success
  - central to the enjoyment of an activity
  - a status symbol.

[*Liquor Control and Licensing Act* sections 49(3) and 51.1(1); Liquor Control and Licensing Regulation, sections 56 and 57; Liquor Control and Licensing Branch Policy]

13.1.2. Methods of advertising

Licensees may advertise through any medium unless otherwise restricted by the general manager, bylaws of a municipality or regional district or laws of Canada.

[*Liquor Control and Licensing Act*, section 49(3); Liquor Control and Licensing Regulations, sections 56 and 57; Liquor Control and Licensing Branch Policy]

13.1.3. Signs and advertising for food primary lounges

In signage or advertising for food primary establishments with lounge endorsements, the word lounge may be used in reference to the lounge. Comparable terms such as bar, cocktail lounge, or cocktail bar may also be used, provided the name does not suggest a class or category of licence not held in respect of the establishment.

Signage or advertising must make clear that serving food is the restaurant's primary purpose and may therefore not show people with liquor, unless the people have food in front of them.

[*Liquor Control and Licensing Act,* section 49(3); Liquor Control and Licensing Regulations, sections 56 and 57; Liquor Control and Licensing Policy]

13.1.4. Signs and advertising for liquor primary establishments

Signage and advertisements for liquor primary establishments may not use pictures of minors, personalities, images or activities that may appeal to minors. Nor may signs and advertisements show people with liquor, unless the people have food in front of them.

[*Liquor Control and Licensing Act,* section 49(3); Liquor Control and Licensing Regulations, sections 56 and 57; Liquor Control and Licensing Policy]

13.1.5. Signs and advertising for licensee retail stores

In signage and advertising for licensee retail stores (LRSs), the following conditions apply:

- words "licensed liquor store", "private liquor store", or "licensed retail liquor store" may be used
- words "BC liquor store", "government liquor store", or "liquor store" may not be used to avoid confusion with the names used by the Liquor Distribution Branch
- signs and advertisements may not use pictures of minors, personalities, images or activities that may appeal to minors.

[*Liquor Control and Licensing Act,* section 49(3); Liquor Control and Licensing Regulations, sections 56 and 57; Liquor Control and Licensing Policy]

13.1.6. Signs displaying Fetal Alcohol Syndrome (FAS) warnings

The general manager approves the display of a sign or signs, inside a licensed establishment, informing or warning patrons about the dangers of consuming alcohol during pregnancy, provided the signs:

- comply with municipal bylaws
- contain only information about the risk of alcohol consumption during pregnancy.

[*Liquor Control and Licensing Act,* section 49(3); Liquor Control and Licensing Branch Policy]

Authority References

Liquor Control and Licensing Act, sections 49(3) and 51.1(1); Liquor Control and Licensing Regulations, sections 56 and 57; Liquor Control and Licensing Branch Policy.

Policies
by Applicable Licence Category

POLICIES		APPLICABLE LICENCE CATEGORIES				
		LP	C	W	FP	LRS
3	LICENSING PROCESS					
3.1	**Stage 1: Application for a New Licence**					
3.1.1.	Assessment of primary operating purpose in a liquor primary licence application	√	√			
3.1.2.	Assessment of primary operating purpose in a food primary licence application				√	
3.1.3.	Complete application	√	√	√	√	√
3.1.4.	Incomplete application	√	√	√	√	√
3.1.5.	Criminal record search requirements	√	√	√	√	√
3.1.6.	90-Day Retention Period for Incomplete Applications	√	√	√	√	√
3.1.7.	False information in an application	√	√	√	√	√
3.1.8.	Written acknowledgment of complete application	√	√	√	√	√
3.1.9.	Written acknowledgment of name and sign approval	√	√	√	√	√
3.2	**Stage 2: Applicant Eligibility Assessment**					
3.2.1.	Criteria for applicant eligibility	√	√	√	√	√
3.2.2.	Consideration of applicant suitability	√	√	√	√	√
3.2.3.	Consideration of residency and age requirements	√	√	√	√	√
3.2.4.	Consideration of business ownership and valid property interest	√	√	√	√	√
3.2.5.	Consideration of tied house circumstances	√	√	√	√	√
3.2.6.	Hearing of the Liquor Licensing Committee	√	√	√	√	√
3.2.7.	Adjudications of Fit and Proper Issues Hearings	√	√	√	√	√
3.2.8.	Written notification of decision	√	√	√	√	√
3.2.9.	Managing the establishment for the licensee: Resident Manager	√	√	√	√	√
3.2.10.	Operating the establishment for the licensee: Third party operator	√		√	√	√
3.3	**Stage 3: Site and Community Assessment**					
3.3.1.	Site and community assessment of a liquor primary licence, winery lounge or special event area endorsement application	√	√	√		
3.3.2.	Notice to a local government or First Nation of an application for a liquor primary licence	√	√	√		
3.3.3.	Notice to a local government or First Nation of an application for a winery lounge or special event area endorsement	√	√	√		

Licence Categories
LP = Liquor Primary C = Liquor Primary Club W = Winery FP = Food Primary LRS = Licensee Retail Store

POLICIES	APPLICABLE LICENCE CATEGORIES				
	LP	C	W	FP	LRS
3.3.4. Notice to a local government or First Nation of a subsequent application for a liquor primary licence	√	√	√		
3.3.5. Determination of when notice of an application has been received by a local government or First Nation	√	√	√		
3.3.6. Requests for time extensions from local governments or First Nations	√	√	√		
3.3.7. Recommendations on terms and conditions from local governments or First Nations	√	√	√		
3.3.8. Consideration of whether local governments or First Nation took into account all of the criteria	√	√	√		
3.3.9. Consideration of local government or First Nation comments and recommendations relating to an application for a liquor primary licence	√	√	√		
3.3.10. Circumstances under which the local government or First Nation may be asked for an amended resolution	√	√	√		
3.3.11. Circumstances under which the general manager will gather the views of residents by referendum	√	√	√		
3.3.12. Nature of a referendum held to gather the views of residents	√	√	√		
3.3.13. Circumstances under which the general manager will gather the views of residents by receiving written comments in response to a public notice of the application	√	√	√		
3.3.14. Consideration of resolutions where a local government or First Nation fails to comment on all of the criteria required by the regulation	√	√	√		
3.3.15. Form and manner of public notice of the application	√	√	√		
3.3.16. Public response radius when giving public notice of the application	√	√	√		
3.3.17. Hearing of the Liquor Licensing Committee	√	√	√		
3.3.18. Written notification of decision following Site and Community Assessment	√	√	√		
3.3.19. Extension of approval period	√	√	√		
3.4 Stage 4: Building Assessment and Issue of a Licence					
3.4.1. Consideration of local government and First Nation approvals	√	√	√	√	√
3.4.2. Plan requirements for separate licensed areas	√	√	√	√	√
3.4.3. Review of plans for compliance with statutory and policy requirements	√	√	√	√	√
3.4.4. Marking on plans where liquor may be served and consumed	√	√	√	√	
3.4.5. Review of plans for approval before building construction	√	√	√	√	√
3.4.6. Setting person capacity during the original licence application	√	√	√	√	
3.4.7. Bylaw limiting person capacity	√	√	√	√	

Licence Categories
LP = Liquor Primary C = Liquor Primary Club W = Winery FP = Food Primary LRS = Licensee Retail Store

POLICIES		APPLICABLE LICENCE CATEGORIES				
		LP	C	W	FP	LRS
3.4.8.	Notification of decision	√	√	√	√	√
3.4.9	Extension of approval period	√	√	√		
3.4.10.	Inspection of premises	√	√	√	√	√
3.4.11.	Review of licence terms and conditions	√	√	√	√	√
3.4.12.	Final administrative requirements	√	√	√	√	√
3.4.13.	Licence notification	√	√	√	√	√
3.5	**Licence Amendments**					
3.5.1.	Notice to a local government or First Nation of an application to amend a liquor primary licence or winery licence endorsement	√	√	√		
3.5.2.	Notice to a local government or First Nation of an application to permanently amend a food primary licence				√	
3.5.3.	Notice to a local government or First Nation of an application to temporarily amend a licence	√	√	√	√	
3.5.4.	Determination of when notice of an application has been received by a local government or First Nation	√	√	√	√	
3.5.5.	Requests for time extensions from local governments or First Nations	√	√	√	√	
3.5.6.	Recommendations on terms and conditions from local governments or First Nations	√	√	√	√	
3.5.7.	Consideration of whether local government or First Nation took into account all of the criteria	√	√	√	√	
3.5.8.	Consideration of local government or First Nation comments and recommendations relating to an application to amend a licence	√	√	√	√	
3.5.9.	Circumstances under which the local government or First Nation may be asked for an amended resolution	√	√	√	√	
3.5.10.	Circumstances under which the general manager will gather the views of residents on an application to permanently amend a licence	√	√	√	√	
3.5.11.	Form and manner of public notice of the application	√	√	√	√	
3.5.12.	Public response radius when giving public notice of the application	√	√	√	√	
3.5.13.	Written notification of decision about amendment application	√	√	√	√	
3.6	**Re-Application**					
3.6.1.	Refusal to grant a licence effective for two-years	√	√			
3.6.2.	Exception to two-year waiting period	√	√			
3.6.3.	Effect of exception to two-year waiting period	√	√			
3.7	**Licence Renewals**					
3.7.1.	Personal suitability factors affecting licence renewal	√	√	√	√	√

Revised Feb 2008

Licence Categories
LP = Liquor Primary C = Liquor Primary Club W = Winery FP = Food Primary LRS = Licensee Retail Store

POLICIES		APPLICABLE LICENCE CATEGORIES				
		LP	C	W	FP	LRS
3.7.2.	Site and community factors affecting licence renewal	√	√	√	√	√
3.7.3.	Applications for licence renewal received on or before the expiry date	√	√	√	√	√
3.7.4.	Applications for licence renewal received within thirty days after expiry date	√	√	√	√	√
3.7.5.	Applications for licence renewal received more than thirty days after expiry date	√	√	√	√	√
4.	BUSINESS OWNERSHIP AND CHANGES TO A LICENCE					
4.1	**Change Approval Authority**					
4.1.1.	Authority to approve applications for changes to licences	√	√	√	√	√
4.1.2.	Applications for an exercise of discretion	√	√	√	√	√
4.1.3.	Statute barred change applications	√	√	√	√	√
4.1.4.	Change applications in which enforcement action is in progress	√	√	√	√	√
4.1.5.	Factors in determining the relevancy of a licensee's compliance history in a change application	√	√	√	√	√
4.1.6.	Time span of compliance record relating to a change request	√	√	√	√	√
4.2	**Legal Name/Internal Ownership Changes**					
4.2.1.	Advice of licensee name change	√	√	√	√	√
4.2.2.	Individual name change	√		√	√	√
4.2.3.	Corporation name change	√		√	√	√
4.2.4.	Notice of internal amalgamation	√		√	√	√
4.2.5.	Internal share transfer	√		√	√	√
4.2.6.	Change in the officers of a club		√			
4.2.7.	Renewal of Licence upon notice of death	√		√	√	√
4.2.8.	Issue of amended licence upon notice of bankruptcy or receivership	√		√	√	√
4.3	**Change in Ownership or Sale of a Licensed Establishment**					
4.3.1.	Definitions applicable to a change in ownership or sale of a licensed establishment	√		√	√	√
4.3.2.	Licence not transferable without general manager's consent	√	√	√	√	√
4.3.3.	Corporate transfers of licence or shares	√		√	√	√
4.3.4.	Applicant eligibility	√		√	√	√
4.3.5.	Addition or deletion of partners	√		√	√	√
4.3.6.	Addition or deletion of shareholders	√		√	√	√

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POLICIES		APPLICABLE LICENCE CATEGORIES				
		LP	C	W	FP	LRS
4.3.7.	Licence and external share transfers involving licensees of another licensed establishment	√		√	√	√
4.3.8.	Club licences not transferable		√			
4.3.9	Temporary permission to use a licence pending a transfer	√		√	√	√
4.4	**Relocation of a Licensed Establishment**					
4.4.1.	Licence for a re-locating establishment not transferable without general manager's consent	√	√	√	√	√
4.4.2.	Definition of relocation	√	√	√	√	√
4.4.3.	Relocation to a new address	√	√	√	√	√
4.4.4.	Relocation at the same address	√	√	√	√	√
4.4.5.	Relocation of a licensee retail store					√
4.4.6.	Relocation of a liquor primary establishment	√				
4.5	**Valid Interest in an Establishment**					
4.5.1.	Establishment ownership or leasehold	√	√	√	√	√
4.5.2.	Disputes regarding the validity of a lease	√	√	√	√	√
4.5.3.	Documents in the name of the licensee	√	√	√	√	√
4.5.4.	Proof of valid interest in property during licensing process	√	√	√	√	√
4.5.5.	Management contracts with third parties	√		√	√	√
4.5.6.	Status of a licensee retail store licence dependent upon associated liquor primary					√
4.6	**Dormant Liquor Primary Licences**					
4.6.1.	Definition of dormant licence and application of policy	√	√			
4.6.2.	Compliance with the Act, regulations, and terms and conditions of the licence	√	√			
4.6.3.	Reporting and monitoring dormant licences	√	√			
4.6.4.	Dormant liquor primary establishments with an LRS licence	√				√
5	**HOURS OF OPERATION**					
5.1	**Hours of Sale**					
5.1.1.	General conditions in setting the Hours of Sale	√	√	√	√	√
5.1.2.	Factors considered in the public interest in setting the Hours of Sale	√	√	√	√	√
5.1.3.	Application of licence amendment policy in temporary or permanent changes to opening or closing hours	√	√	√	√	√
5.1.4.	Temporary and Permanent changes to opening or closing hours	√	√	√	√	√
5.1.5.	Expiration of approval for temporary change in hours of sale	√	√	√	√	√

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POLICIES		APPLICABLE LICENCE CATEGORIES				
		LP	C	W	FP	LRS
5.1.6.	Variation of hours in areas specified by a local government or First Nation	√	√	√	√	√
5.1.7.	Hours of operation on the night of a time change	√	√	√	√	
5.2	**Special Events**					
5.2.1.	Extension of hours on New Year's Eve	√	√	√	√	
5.2.2.	Conditions for staff parties	√	√	√	√	
5.2.3.	Temporary suspension of a licence for staff party	√	√	√	√	
5.2.4.	Temporary suspension of a food primary licence for a special event				√	
5.2.5.	Temporary suspension of a liquor primary licence for a special event	√				
5.3	**Alternate Use**					
5.3.1.	Definition and general requirements for alternate use of licensed establishments	√	√	√	√	
5.3.2.	Alternate use of liquor primary licensed establishments outside licensed hours	√	√			
5.3.3.	Alternate use of liquor primary licensed establishments during licensed hours	√	√			
6	PREMISES					
6.1	**Posting of Licence and Access to Approved Plans**					
6.1.1.	Availability of liquor licence and approved floor plans for inspection	√	√	√	√	√
6.2	**Structural Alterations**					
6.2.1.	Definition of structural alteration or enlargement	√	√	√	√	√
6.2.2.	Setting person capacity for a structural alteration or change in size of the licensed area	√	√	√	√	
6.2.3.	Approval of structural alteration or enlargement	√	√	√	√	√
6.2.4.	Written decision	√	√	√	√	√
6.3	**Capacity**					
6.3.1.	General considerations in setting person capacity	√	√	√	√	
6.3.2.	Factors considered in the public interest in setting person capacity	√	√	√	√	
6.3.3.	Application of licence amendment policy in temporary or permanent changes to capacity	√	√	√	√	
6.3.4.	Temporary and permanent changes to person capacity	√	√	√	√	
6.4	**Outdoor Patios**					
6.4.1.	General considerations in outdoor patio applications	√	√	√	√	
6.4.2.	Specific considerations in outdoor patio applications	√	√	√	√	

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POLICIES		APPLICABLE LICENCE CATEGORIES				
		LP	C	W	FP	LRS
6.4.3.	Application of licence amendment policy to outdoor patio applications	√	√	√	√	
6.5	**Adjoining Licensed and Unlicensed Areas**					
6.5.1.	General considerations in granting approval for shared or adjoining facilities	√	√	√	√	√
6.5.2.	Shared or adjoining facilities between food primary and liquor primary licensed establishments	√	√		√	
6.5.3.	Shared or adjoining facilities between a food primary licensed establishment and an unlicensed area				√	
6.5.4.	Shared or adjoining facilities between a liquor primary licensed establishment and an unlicensed area that is not primarily involved in hospitality, entertainment, food, or beverage service	√	√			
6.5.5.	Shared or adjoining facilities between a liquor primary licensed area and an unlicensed area that is primarily involved in hospitality, entertainment, food, or beverage service	√	√			
6.5.6.	Shared or adjoining facilities between licensee retail stores and licensed or unlicensed areas	√			√	√
6.6	**Restaurant Lounges**					
6.6.1.	General conditions for a restaurant lounge				√	
6.6.2.	Setting person capacity for a restaurant lounge				√	
6.6.3.	Restaurant patio lounges				√	
6.6.4.	Seating in the lounge area of a restaurant				√	
6.7	**Restaurant Operating Details and Furnishings**					
6.7.1.	Operating details and furnishings consistent with food service				√	
6.7.2.	Where decor and furnishings are more consistent with another licence category				√	
6.8	**Liquor Service Bars in Restaurants**					
6.8.1.	Design and location of liquor service bar				√	
7	**LIQUOR SERVICE AND SALES**					
7.1	**Type of Liquor Sold**					
7.1.1.	Types of liquor sold in liquor primary establishments	√	√			

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POLICIES		APPLICABLE LICENCE CATEGORIES				
		LP	C	W	FP	LRS
7.1.2.	Types of liquor sold in stadiums	√				
7.1.3.	Types of liquor sold in food primary licensed establishments				√	
7.1.4.	Types of liquor sold in Licensee Retail Stores					√
7.1.5.	Types of liquor sold in winery lounges and picnic areas			√		
7.2	**Ordering Liquor**					
7.2.1.	Inspection of liquor register and other items	√	√	√	√	√
7.2.2.	Subject of liquor register inspection	√	√	√	√	√
7.3	**Pricing**					
7.3.1.	General conditions applying to liquor prices and price lists	√	√	√	√	
7.3.2.	Pricing and availability of product	√	√	√	√	
7.3.3.	Liquor prices in licensee retail stores					√
7.3.4.	Liquor prices and Liquor Distribution Branch purchase price	√	√	√	√	
7.3.5.	Theme night prices	√	√			
7.3.6.	All-inclusive packages including liquor in the price	√	√	√	√	
7.3.7.	Reference to credit sales on price list	√	√	√	√	√
7.4	**Dispensers and Drink Sizes**					
7.4.1.	Serving size and preparation of a "drink" containing distilled liquor	√	√	√	√	
7.4.2.	Container and serving size for wine	√	√	√	√	
7.4.3.	Container and serving size for draught beer	√	√		√	
7.5	**Replacement of Faulty Keg or Spoiled Product by Brewer's Agent**					
7.5.1.	System of accounting for faulty keg replacement is part of liquor register	√	√		√	
7.5.2.	Authorization for pick up and replacement of faulty kegs	√	√		√	
7.5.3.	Failure to properly account for liquor received or credited through the replacement of a faulty keg	√	√		√	
7.6	**Off-Premises Sales**					
7.6.1.	Off-premises sales endorsement	√	√			
7.6.2.	Consideration of local issues	√	√			
7.6.3.	Hours of sale	√	√			
7.6.4.	Types of liquor sold	√	√			

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POLICIES		APPLICABLE LICENCE CATEGORIES				
		LP	C	W	FP	LRS
7.7	**Special Conditions**					
7.7.1.	Conditions for liquor sales and service in clubs		√			
7.7.2.	Conditions for liquor sales and service from golf course kiosks, take-out windows, or beverage carts	√	√			
7.7.3.	Conditions for liquor sales and service on motor vessels	√				
7.7.4.	Conditions for liquor sales and service through room service	√			√	
7.7.5.	Conditions for liquor sales and service through mini-bars	√				
7.7.6.	Conditions for liquor sales and service in stadiums	√				
7.7.7.	Exemption from the prohibition against tied houses for stadiums and concert halls	√			√	
7.7.8.	Application of tied house rules to brewpubs	√				
7.7.9.	Downhill ski resort areas	√				
7.8.1.	Ministers of religion					
7.8.2.	Religious ceremonies in a regular place of worship					
7.8.3.	Social events associated with or ancillary to religious ceremonies					
7.8.4.	Personal consumption					
7.8.5.	Bonafide church suppliers					
8	MANAGEMENT AND CONTROL OF A LICENSED ESTABLISHMENT					
8.1	**General Consumption**	√	√	√	√	√
8.1.1.	Intoxicated patrons	√	√		√	
8.1.2.	Control of liquor consumption in licensed establishment	√	√	√	√	
8.1.3.	Liquor in Washrooms	√	√			
8.1.4.	Conditions for consumption outside the licensed area in liquor primary establishments	√	√	√	√	
8.1.5.	Conditions for the removal of unfinished bottles of wine					√
8.1.6.	Conditions for on-premises liquor consumption in licensee retail stores			√		
8.1.7.	Conditions for liquor consumption in winery endorsement areas	√	√	√	√	√
8.2	**Consumption by Employees**					
8.2.1.	Licensee and employee consumption of liquor while working	√	√	√	√	√
8.2.2.	Employee consumption of liquor after work	√	√	√	√	
8.3	**Management of Patron Conduct**					
8.3.1.	Licensee's responsibility to manage patron conduct	√	√	√	√	√

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POLICIES		APPLICABLE LICENCE CATEGORIES				
		LP	C	W	FP	LRS
8.3.2.	Reasonable measures	√	√	√	√	√
8.3.3.	Licence suspension and closure of premises	√	√	√	√	√
8.4	**Serving It Right Program**					
8.4.1.	Training requirement	√	√	√	√	
8.4.2.	One hundred and twenty (120) day exemption from training requirement	√	√	√	√	
8.4.3.	Full exemptions from training requirement				√ [1]	
9	FOOD SERVICE					
9.1	**General Conditions**					
9.1.1.	Exemption from requirements to serve food and non-alcoholic beverages	√	√	√		√
9.1.2.	Type of food service in liquor primary licensed establishments, winery lounges, and winery picnic areas	√	√	√		
9.1.3.	Type of food service in food primary licensed establishments				√	
9.1.4.	Inspection to determine availability of food and non-alcoholic beverages	√	√	√	√	
9.1.5.	Food preparation facilities in licensed establishments	√	√	√	√	
9.1.6.	Sale of non-liquor items in licensee retail stores					√
10	MINORS					
10.1	**General Conditions**					
10.1.1.	General conditions respecting minors on licensed premises	√	√	√	√	√
10.1.2.	Factors considered in permitting minors on licensed premises	√	√	√		√
10.1.3.	Minors in liquor primary licensed establishments	√	√			
10.1.4.	Minors in food primary licensed establishments and liquor primary stadiums	√			√	
10.1.5.	Minors in winery picnic and tour areas			√		
10.1.6.	Minors in winery lounges and special event areas			√		
10.1.7.	Minors in licensee retail stores					√
10.1.8.	Employment of minors in licensed establishments	√	√	√	√	√
10.1.9.	Minors in possession of liquor	√	√	√	√	√
10.1.10.	Identification of minors	√	√	√	√	√

Revised Sept 2007

[1] Applies to licensees and staff of a food primary establishment, provided the licence is not endorsed for a licensed lounge area.

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POLICIES	APPLICABLE LICENCE CATEGORIES				
	LP	C	W	FP	LRS
10.2 Minors as Entertainers					
10.2.1. Establishments in which minors providing entertainment are permitted	√	√	√	√	
10.2.2. Conditions for minors providing entertainment in licensed establishments	√	√	√	√	
11 ENTERTAINMENT					
11.1 General Conditions					
11.1.1. Authority to approve, prohibit, restrict or limit entertainment in a licensed establishment	√	√	√	√	
11.1.2. Factors considered in imposing terms and conditions for entertainment and games	√	√	√	√	
11.1.3. General conditions for entertainment and games	√	√	√	√	
11.1.4. Entertainment and games in liquor primary licensed establishments, winery lounges, and winery picnic areas	√	√	√		
11.1.5. Entertainment and games in food primary licensed establishments				√	
11.1.6. Hours of patron participation and non-participation entertainment in food primary establishments				√	
11.1.7. Sign describing adult entertainment	√	√			
11.2 Live Performances					
11.2.1. Factors considered in imposing terms and conditions for live stage performances	√	√	√	√	
11.2.2. Definitions of exotic dancer and stripper and adult-oriented performer	√	√			
11.2.3. General conditions for exotic dancing and stripping and other performances	√	√			
11.2.4. Prohibited acts during the performance of an exotic dancer or stripper or adult-oriented performer	√	√			
11.2.5. Performances involving animals	√	√	√	√	
11.2.6. Consumption of liquor by entertainers	√	√	√	√	
11.3 Audio, Film, Video and Television					
11.3.1. Factors considered in imposing terms and conditions for audio, film, video and television entertainment	√	√	√	√	
11.3.2. Audio, film, video and television presentations in liquor primary establishments, food primary establishments, and winery lounges	√	√	√	√	
11.4 Patron Participation and Non-Participation Entertainment					
11.4.1. Definitions of patron participation and non-participation entertainment	√	√	√	√	

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POLICIES	APPLICABLE LICENCE CATEGORIES				
	LP	C	W	FP	LRS
11.4.2. Factors considered in imposing terms and conditions for patron participation and non- participation entertainment	√	√	√	√	
11.4.3. Entertainment hours and endorsement of a food primary licence for patron participation and non-participation entertainment				√	
11.4.4. Applications for karaoke box style restaurants				√	
11.4.5. Conditions for karaoke box style restaurants				√	
11.5 Games in a Licensed Establishment					
11.5.1. Factors considered in approving games	√	√	√	√	
11.5.2. Games and entertainment in licensee retail stores					√
11.5.3. Electronic and mechanical games	√	√	√	√	
11.5.4. Licensee contests in licensed establishments	√	√		√	√
11.5.5. Manufacturer contests in licensed establishments	√	√	√	√	√
11.5.6. Tournaments	√	√	√		
11.6 Gambling in a Licensed Establishment					
11.6.1. Gambling not permitted	√	√	√	√	√
11.6.2. Factors considered in restricting, cancelling or prohibiting an activity	√	√	√	√	√
11.6.3. Lottery tickets	√	√			√
11.6.4. Licensed social occasion casinos and bingo events	√	√	√		
11.6.5. Commercial casinos and bingo halls	√				
11.6.6. Charitable draws	√	√			
11.6.7. Pari-mutuel (off-track) betting	√	√			
12 Licensee Relationships with Manufacturers					
12.1 General Conditions					
12.1.1. Activities permitted at any time (no buy-sell agreement required)	√	√		√	√
12.1.2. Activities not permitted—Tied Houses/Inducements	√	√		√	√
12.1.3. Activities permitted with a buy-sell agreement only	√	√		√	√
12.1.4. Buy-sell agreements	√	√		√	√
12.2 Promotional Items					
12.2.1. Promotional items of nominal value	√	√	√	√	√
12.2.2. More expensive promotional items	√	√	√	√	√
12.2.3. Joint promotions/brewmaster or winemaker dinners				√	
12.2.4. Value-Added promotions in licensee retail stores					√

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POLICIES	APPLICABLE LICENCE CATEGORIES				
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12.2.5. Product vouchers for redemption at licensee retail stores					√
12.3 Consumer Taste Trials					
12.3.1. Objectives of consumer taste trials				√	√
12.3.2. Conduct of consumer taste trials in licensee retails stores					√
12.3.3. Conduct of consumer taste trials in restaurants				√	
12.3.4. Charges and product purchases				√	√
12.3.5. Maximum sample quantities in licensee retail stores and food primary establishments				√	√
12.3.6. Service and management of open beverage alcohol				√	√
12.3.7. Advertising				√	√
12.4 Theme Night Promotions					
12.4.1. Educational component	√	√			
12.4.2. Conduct	√	√			
12.4.3. Activities permitted during theme night promotions	√	√			
12.4.4. Charges and product purchases	√	√			
12.4.5. Maximum sample quantities during theme night promotions	√	√			
12.5 Manufacturer Hospitality and Educational Activities					
12.5.1. Buying drinks for patrons	√	√		√	
12.5.2. Product samples	√	√		√	√
12.5.3. Educational events and activities	√	√		√	√
12.5.4. Hospitality	√	√		√	√
12.5.5. Sponsorships	√	√		√	√
13 Advertising and Signage					
13.1 General Conditions					
13.1.1. Nature of the information provided	√	√	√	√	√
13.1.2. Methods of advertising	√	√	√	√	√
13.1.3. Signs and advertising for food primary lounges				√	
13.1.4. Signs and advertising for liquor primary establishments	√	√			
13.1.5. Signs and advertising for licensee retail stores					√
13.1.6. Signs displaying Fetal Alcohol Syndrome (FAS) warnings	√	√	√	√	√

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	6.5	Premises – Adjoining Licensed and Unlicensed Areas *(Policy Rationale)*
	7.2	Liquor Service and Sales – Ordering Liquor *(Policy Rationale)*
	7.6	Liquor Service and Sales – Off-Premises Sales *(Policies - 7.6.1)*
	8.1	Management and Controls of a Licensed Establishment – General Consumption *(Policies - 8.1.7)*
Aircraft	8.4	Management and Controls of a Licensed Establishment – Serving It Right Program *(Policies - 8.4.3)*
	10.1	Minors – General Conditions *(Policy Rationale; Policies - 10.1.3)*

Terms & Phrases	Section #	Section Name
Airport	10.1	Minors – General Conditions *(Policy Rationale: Policies - 10.1.3)*
Alternate use	5.3 10.1	Hours of Operation – Alternate Use Minors – General Conditions *(Policies - 10.1.1)*
Animals, on stage	11.2	Entertainment – Live Stage Performances *(Policies - 11.2.5)*
Appetizers	2.2 6.7 9.1	General Information – Licence Categories *(Food Primary Licence)* Premises – Restaurant Décor *(Policies - 6.7.1)* Food Service – General Conditions *(Policy Rationale; Policies - 9.1.3)*
Applicant eligibility	3.2 4.3	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policy Rationale; Policies - 3.2.1; 3.2.6; 3.2.7; 3.2.8)* Business Ownership and Changes to a Licence – Change in Ownership or Sale of a Licensed Establishment *(Policy Rationale; Policies - 4.3.4)*
Applicant suitability	3.2 3.7 4.2 4.3 4.5	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policy Rationale; Policies - 3.2.1; 3.2.2)* Licensing Process – Licence Renewals *(Policy Rationale)* Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policy Rationale)* Business Ownership and Changes to a Licence – Change in Ownership or Sale of a Licensed Establishment *(Policy Rationale)* Business Ownership and Changes to a Licence – Valid Interest in an Establishment *(Policy Rationale)*
Application fees (See also Fees and Licence Fees)	3.1 3.7 6.3	Licensing Process – Stage 1: Application for a New Licence *(Policy Rationale; Policies - 3.1.6)* Licensing Process – Licence Renewals *(Policies - 3.7.3)* Premises – Capacity *(Policies - 6.3.4)*
Application for a new licence	3.1	Licensing Process – Stage 1: Application for a New Licence
Approval period	3.3 3.4	Licensing Process – Stage 3: Site and Community Assessment *(Policies - 3.3.19)* Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policies – 3.4.9)*
B		
B.C. Lottery Corporation	9.1 11.6	Food Service – General Conditions *(Policy Rationale; Policies - 9.1.6)* Entertainment – Gambling in a Licensed Establishment *(Policy Rationale; Policies 11.6.3; 11.6.5)*
Bankruptcy	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policy Rationale; Policies - 4.2.8)*

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Terms & Phrases	Section #	Section Name
Banquet room	2.2	General Information – Licence Categories *(Food Primary Licence)*
	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policies - 3.1.2)*
Bar stools	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Plans Approval Guidelines for Food Primary Licensing)*
Beer	2.2	General Information – Licence Categories *(Licensee Retail Stores; U-Brew/U-Vin Licence)*
	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Plans Approval Guidelines for Liquor Primary Licensing of Stadiums)*
	7.1	Liquor Service and Sales – Types of Liquor Sold *(Policy Rationale; Policies - 7.1.2)*
	7.3	Liquor Service and Sales – Pricing *(Policy Rationale)*
	7.4	Liquor Service and Sales – Dispensers and Drink Sizes *(Policy Rationale; Policies - 7.4.3)*
	7.5	Liquor Service and Sales – Replacement of Faulty Keg or Spoiled Product by Brewer's Agent *(Policy Rationale)*
	7.6	Liquor Service and Sales – Off-Premises Sales *(Policy Rationale; Policies - 7.6.4)*
	7.7	Liquor Service and Sales – Special Conditions *(Stadiums and Concert Halls – Tied House Exemption)*
	12.1	Licensee Relationships with Manufacturers – General Conditions *(Policies - 12.2.2; 12.2.5; 12.3.5)*
	12.4	Licensee Relationships with Manufacturers – Theme Night Promotions *(Policies - 12.4.5)*
	12.5	Licensee Relationships with Manufacturers – Consumer Tastings *(Policies - 12.5.2)*
Beverage carts – golf courses	7.7	Liquor Service and Sales – Special Conditions *(Policy Rationale; Golf Course Kiosks, Take-out Windows and Beverage Carts)*
Billiards	11.1	Entertainment – General Conditions (policies – 11.1.5)
	11.4	Entertainment – Patron Participation and Non-Patron Participation (Policy Rationale)
	11.5	Entertainment – Games in a Licensed Establishment (Policy Rationale)
Bingo	11.6	Entertainment – Gambling in a Licensed Establishment *(Policy Rationale; Policies - 11.6.4; 11.6.5)*
Branch organization	2.1	General Information – Operating Environment *(Branch Organisation and Function)*
Brew pub	7.7	Liquor Service and Sales – Special Conditions *(Brew Pub – Tied House Exemption; Policies - 7.7.8)*
Building assessment	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence
	6.2	Premises – Structural Alterations *(Policy Rationale; Policies - 6.2.2)*
	6.4	Premises – Outdoor Patios *(Policy Rationale)*

Terms & Phrases	Section #	Section Name
Building code	6.3	Premises – Capacity *(Policy Rationale)*
Business ownership	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policy Rationale; Policies - 3.2.1; 3.2.4)*
	4.0	Business Ownership and Changes to a Licence
	4.1	Business Ownership and Changes to a Licence – Change Approval Authority
	4.2	Business Ownership and Changes to a Licence – Legal Name/Internal Ownership Changes
	4.3	Business Ownership and Changes to a Licence – Sale of a Licensed Establishment
	4.4	Business Ownership and Changes to a Licence – Relocation of a Licensed Establishment
	4.5	Business Ownership and Changes to a Licence – Valid Interest in an Establishment
	4.6	Business Ownership and Changes to a Licence – Dormant Licences
Buy-Sell Agreement	12.1	Licensee Relationships with Manufacturers *(Policy Rationale; Policies - 12.1.1;12.1.3; 12.1.4)*
	12.2	Relationships with Manufacturers –Promotional Items *(Policy Rationale; Policies – 12.2.2; 12.2.4)*
	12.4	Licensee Relationships with Manufacturers- Theme Night Promotions *(Policy Rationale; Policies – 12.4.2)*
	12.5	Licensee Relationships with Manufacturers –Manufacturer Hospitality and Educational Activities *(Policy Rationale – 12.5.1; 12.5.3; 12.5.4; 12.5.5))*
Bylaws, local government	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policies - 3.2.2)*
	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policy Rationale; Policies – 3.3.14)*
	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policy Rationale; Policies – 3.4.1; 3.4.6; 3.4.7; 3.4.13)*
	3.7	Licensing Process – Licence Renewals *(Policies - 3.7.1)*
	6.2	Premises – Structural Alterations *(Policies - 6.2.1)*
	6.3	Premises – Capacity *(Policy Rationale)*
	6.4	Premises – Outdoor Patios *(Policy Rationale)*
	13.1	Advertising and Signage – General Conditions *(Policy Rationale)*
C		
Card games	11.1	Entertainment – General Conditions *(Policies - 11.1.3; 11.1.4; 11.1.5)*
	11.5	Entertainment – Games in a Licensed Establishment *(Policy Rationale)*
Casinos	11.5	Entertainment – Games in a Licensed Establishment *(Policy Rationale)*
	11.6	Entertainment – Gambling in a Licensed Establishment *(Policy Rationale; Policies - 11.6.4; 11.6.5)*

Terms & Phrases	Section #	Section Name
Change approval authority	4.0	Business Ownership and Changes to a Licence – Introduction
	4.1	Business Ownership and Changes to a Licence – Change Approval Authority *(Policy Rationale; Policies - 4.1.1; Change Approval Authority Roles and Responsibilities)*
Change in ownership	4.1	Business Ownership and Changes to a Licence – Change Approval Authority *(Policies - 4.1.5)*
	4.3	Business Ownership and Changes to a Licence – Change in Ownership or Sale of a Licensed Establishment
	4.5	Business Ownership and Changes to a Licence – Valid Interest in an Establishment *(Policy Rationale)*
Charitable draws	11.6	Entertainment – Gambling in a Licensed Establishment *(Policy Rationale; Policies – 11.6.4; 11.6.6)*
China - dishware	2.2	General Information – Licence Categories *(Food Primary Licence)*
	6.7	Premises – Restaurant Operating Details and Furnishings *(Policy Rationale)*
Christmas parties		See Staff Parties
Client groups of LCLB	2.1	General Information – Operating Environment *(Introduction; Client Groups)*
Closing time	5.1	Hours of Operation – Hours of Sale *(Policies - 5.1.2; 5.1.4; 5.1.7)*
	7.6	Liquor Service and Sales – Off-Premises Sales *(Policy Rationale)*
	8.1	Management and Controls of a Licensed Establishment – General Consumption *(Policy Rationale)*
	12.5	Licensee Relationships with Manufacturers– Consumer Taste Trials *(Policies - 12.5.2)*
Club		See Liquor Primary Club
Cold beer and wine stores - definition	2.2	General Information – Licence Categories *(Licensee Retail Stores)*
Community impact	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policies - 3.3.11; 3.3.12; 3.3.13; 3.3.14)*
	3.5	Licensing Process – Licence Amendments *(Policies - 3.5.11)*
	3.6	Licensing Process – Re-Application *(Policy Rationale)*
	4.4	Business Ownership and Changes to a Licence – Relocation of a Licensed Establishment (Policy Rationale; Policies – 4.4.3)
	6.4	Premises – Outdoor Patios *(Policy Rationale)*
Community standards	2.1	General Information – Operating Environment *(Regard for Community Standards)*
	4.6	Business Ownership and Changes to a Licence – Dormant Liquor Primary Licences *(Policy Rationale)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policy Rationale)*

Terms & Phrases	Section #	Section Name
Complete application	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policy Rationale; Policies - 3.1.3; 3.1.8; 3.1.9)*
Compliance history/record (see Enforcement record)	4.1	Business Ownership and Changes to a Licence – Change Approval Authority *(Policies - 4.1.2; 4.1.5)*
	5.1	Hours of Operation – Hours of Sale *(Policies - 5.1.2)*
	6.3	Premises – Capacity *(Policies - 6.3.2)*
Concert hall	7.7	Liquor Service and Sales – Special Conditions *(Policy Rationale; Stadiums and Concert Halls – Tied House Exemption; Policies - 7.7.7)*
	10.1	Minors – General Conditions *(Policy Rationale; Policies - 10.1.3; 10.1.8)*
	12.5	Licensee Relationships with Manufacturers – Manufacturer Hospitality and Educational Activities *(Policies – 12.5.5)*
Consumer taste trials	12.3	Licensee Relationships with Manufacturers – Consumer Taste Trials *(Policy Rationale; Policies – 12.3.1-12.3.7)*
	12.4	Licensee Relationships with Manufacturers—Theme Night Promotions *(Policy Rationale; Policies – 12.4.3)*
Contact sports	11.1	Entertainment – General Conditions *(Policy Rationale; Policies - 11.1.4)*
Contests	11.5	Entertainment – Games in a Licensed Establishment *(Policy Rationale; Policies – 11.5.4 - 11.5.5)*
	11.6	Entertainment – Gambling in a Licensed Establishment *(Policy Rationale)*
	12.1	Licensee Relationships with Manufacturers –General Conditions *(12.1.1; 12.1.3)*
	12.3	Licensee Relationships with Manufacturers – Contests *(Policy Rationale; 12.3.1; 12.3.2)*
	12.4	Licensee Relationships with Manufacturers—Theme Night Promotions *(Policies - 12.4.3)*
	13.1	Advertising and Signage - General Conditions *(Policies - 13.1.1)*
Convention centre	10.1	Minors – General Conditions *(Policy Rationale; Policies - 10.1.3; 10.1.8)*
Convictions	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policies - 3.1.5)*
	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policy Rationale; Policies - 3.2.2)*
	3.7	Licensing Process – Licensing Renewals *(Policy Rationale; Policy – 3.7.1)*
Corporation name change	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policies - 4.2.3)*
Credit sales	7.3	Liquor Service and Sales – Pricing *(Policies - 7.3.7)*
Criminal conviction	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policies - 3.1.5)*

Terms & Phrases	Section #	Section Name
Criminal record search	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policies - 3.1.5)*
Curling Clubs	7.7 10.1	Liquor Service and Sales – Special Conditions *(Curling Clubs; Policies – 7.7.)* Minors – General Conditions (*General conditions respecting minors on licensed premises; Policies 10.1.1; Minors in liquor primary licensed establishments; Policies 10.1.3)*
D		
Dance floors	3.4 6.2 6.7	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policies - 3.4.4; Plans Approval Guidelines)* Premises – Structural Alterations *(Policies - 6.2.1)* Premises – Restaurant Operating Details and Furnishings *(Policies - 6.7.1)*
Death of a licensee	7.2	Liquor Service and Sales – Ordering Liquor *(Policies – 7.2.7)*
Décor	6.7	Premises – Restaurant Operating Details and Furnishings *(Policy Rationale; Policies - 6.7.2)*
Demographics	2.2	General Information – Licence Categories *(Liquor Primary Licence)*
Dine and dance	11.1 11.4	Entertainment – General Conditions *(Policy Rationale; Policies - 11.1.6)* Entertainment – Patron Participation and Non-Participation Entertainment *(Policies - 11.4.3; 11.4.5)*

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Terms & Phrases	Section #	Section Name
Discretion, exercise of	1.0	Introduction – Introduction *(The Effect of Policies; Mandatory or Discretionary?)*
	2.1	General Information – Operating Environment *(Operating Principles)*
	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policies - 3.1.6)*
	4.1	Business Ownership and Changes to a Licence – Change Approval Authority *(Policy Rationale; Policies - 4.1.2; 4.1.3; Change Approval Authority Roles and Responsibilities)*
	5.0	Hours of Operation – Introduction
	5.1	Hours of Operation – Hours of Sale *(Policy Rationale)*
	5.2	Hours of Operation – Special Events *(Policy Rationale)*
	5.3	Hours of Operation – Alternate Use *(Policy Rationale)*
	6.3	Premises – Patron Capacity *(Policy Rationale)*
	7.7	Liquor Service and Sales – Special Conditions *(Clubs)*
	12.3	Licensee Relationships with Manufacturers – Consumer Taste Trials *(Policy Rationale; Policies - 12.3.2)*
Distilled liquor	7.4	Liquor Service and Sales – Dispensers and Drink Sizes (Policy Rationale; *Policies - 7.4.1)*
	12.2	Licensee Relationships with Manufacturers – Promotional Items *(Policies – 12.2.5)*
	12.5	Licensee Relationships with Manufacturers- Manufacturer Hospitality and Educational Activities *(Policies 12.5.2)*
Dormant licence	4.6	Business Ownership and Changes to a Licence – Dormant Liquor Primary Licences *(Policy Rationale; Policies – 4.6.1; 4.6.4)*
Downhill ski resort areas	7.7	Liquor Service and Sales – Special Conditions *(Downhill Ski Resort Areas; Policies – 7.7.)*
	10.1	Minors – General Conditions *(Policy Rationale; Policies – 10.1.1; 10.1.3)*
Draught beer	7.3	Liquor Service and Sales – Pricing *(Policy Rationale)*
	7.4	Liquor Service and Sales – Dispensers and Drink Sizes *(Policy Rationale; Policies - 7.4.3)*
	7.6	Liquor Service and Sales – Off-Premises Sales *(Policies - 7.6.4)*
	7.7	Liquor Service and Sales – Special Conditions *(Stadiums and Concert Halls – Tied House Exemption)*
Drink sizes	7.4	Liquor Service and Sales – Dispensers and Drink Sizes
Drive through LRS	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Plans Approval Guidelines for Licensee Retail Stores)*

Terms & Phrases	Section #	Section Name
E		
Economic viability	2.1	General Information – Operating Environment *(footnotes)*
Educational Events and Activities	12.1 12.5	Licensee Relationships with Manufacturers – General Conditions *(Policies 12.1.3)* Licensee Relationships with Manufacturers - Manufacturer Hospitality and Educational Activities *(Policy Rationale; Policies – 12.5.3)*
Employee consumption	8.2	Management and Controls of a Licensed Establishment – Consumption by Employees *(Policies - 8.2.1; 8.2.2)*
Employment of minors	10.1	Minors – General Conditions *(Policy Rationale; Policies - 10.1.8; 10.1.9)*
Enforcement action	2.1 4.1	General Information – Operating Environment: Branch Organization and Function Business Ownership and Changes to a Licence – Change Approval Authority *(Policies - 4.1.4; 4.1.5)*
Enforcement record (see Compliance history)	3.2 3.7	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policies - 3.2.2)* Licensing Process – Licensing Renewals *(Policy Rationale; Policies - 3.7.1)*

Terms & Phrases	Section #	Section Name
Entertainment	2.2	General Information – Licence Categories *(Background; Liquor-Primary Licence; Food-Primary Licence)*
	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policy Rationale; Policies - 3.1.1)*
	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Plans Approval Guidelines)*
	3.5	Licensing Process – Licence Amendments *(Policy Rationale; Policies - 3.5.2)*
	6.3	Premises – Patron Capacity *(Policy Rationale)*
	6.4	Premises – Outdoor Patios *(Policy Rationale)*
	6.5	Premises – Adjoining Licensed and Unlicensed Areas *(Policy Rationale; Policies - 6.5.2; 6.5.3; 6.5.4; 6.5.5; 6.5.6)*
	6.7	Premises – Restaurant Operating Details and Furnishings *(Policies - 6.7.1)*
	7.7	Liquor Service and Sales – Special Conditions *(Stadiums)*
	10.1	Minors – General Conditions *(Policy Rationale; Policies - 10.1.3; 10.1.6; 10.1.8)*
	10.2	Minors – Minors as Entertainers *(Policies - 10.2.1; 10.2.2)*
	11.1	Entertainment – General Conditions
	11.2	Entertainment – Live Performances
	11.3	Entertainment – Audio, Film, Video and Television
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment
	11.5	Entertainment – Games in a Licensed Establishment
	11.6	Entertainment – Gambling in a Licensed Establishment
	12.1	Licensee Relationships with Manufacturers – General Conditions *(Policies - 12.1.2)*
	12.4	Licensee Relationships with Manufacturers—Theme Night Promotions *(Policies - 12.4.3)*
	12.5	Licensee Relationships with Manufacturers—Manufacturer Hospitality and Educational Activities *(Policy Rationale; Policies- 12.5.3)*
Entrees – food service	2.2	General Information – Licence Categories *(Food Primary Licence)*
Exotic dancers	11.2	Entertainment – Live Stage Performances *(Policy Rationale; Policies - 11.2.2; 11.2.3; 11.2.4)*
External share transfer	4.3	Business Ownership and Changes to a Licence – Changes in Ownership or Sale of a Licensed Establishment *(Policy Rationale; Policies - 4.3.1; 4.3.3;5.3.6; 4.3.7)*
F		
Faulty keg	7.5	Liquor Service and Sales – Replacement of Faulty Keg or Spoiled Product by Brewer's Agent *(Policy Rationale; Policies - 7.5.1; 7.5.2)*

Terms & Phrases	Section #	Section Name
Fees (See also Application fees and Licence fees)	2.2 3.1 4.2 11.5 11.6	General Information – Licence Categories *(Liquor Primary Club Licence)* Licensing Process – Stage 1: Application for a New Licence *(Policy Rationale)* Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policy Rationale)* Entertainment – Games in a Licensed Establishment *(Policy Rationale; Policies - 11.5.4; 11.5.6)* Entertainment – Gambling in a Licensed Establishment *(Policy Rationale; Policies – 11.6.6)*
Fetal Alcohol Syndrome warning signs	13.1	Advertising and Signage – General Conditions *(Policy Rationale; Policies - 13.1.6)*
Films	11.3 11.4	Entertainment – Audio, Film, Video and Television Entertainment – Patron Participation and Non-Participation Entertainment *(Policy Rationale)*
Financial records	2.2 6.7	General Information – Licence Categories *(Food Primary Licence)* Premises – Restaurant Operating Details and Furnishings *(Policy Rationale; Policies - 6.7.1)*
Fire authorities approval, Fire Services Act	3.4 6.2 6.3 11.1	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policies - 3.4.3; 3.4.5; 3.4.6)* Premises – Structural Alterations *(Policies - 6.2.2; 6.2.3)* Premises – Patron Capacity *(Policies - 6.3.1, 6.3.4)* Entertainment – General Conditions *(Policies - 11.1.3)*
Firearms	8.3	Management and Controls of a Licensed Establishment – Management of Patron Conduct *(Policies - 8.3.1)*

Terms & Phrases	Section #	Section Name
First Nation	2.2	General Information – Licence Categories *(Liquor Primary Licence; Food Primary Licence)*
	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policy Rationale; Policies – 3.3.3 – 3.3.14)*
	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policy Rationale; Policies - 3.4.1; 3.4.6; 3.4.7; 3.4.13; Plans Approval Guidelines for Winery Lounge and Picnicking Endorsement)*
	3.5	Licensing Process – Licence Amendments
	4.4	Business Ownership and Changes to a Licence – Relocation of a Licensed Establishment *(Policy Rationale; Policies - 4.4.3)*
	5.1	Hours of Operation – Hours of Sale *(Policy Rationale; Policies - 5.1.2; 5.1.3; 5.1.6; Hours of Sale by Licence and Establishment Type)*
	6.2	Premises – Structural Alterations
	6.3	Premises – Patron Capacity
	6.4	Premises – Outdoor Patios
	7.6	Liquor Service and Sales – Off-Premises Sales *(Policy Rationale)*
	7.7	Liquor Service and Sales – Special Conditions *(Motor Vessels; Policies - 7.7.3)*
	11.1	Entertainment – General Conditions *(Policies - 11.1.1)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policy Rationale; Policies - 11.4.2; 11.4.4)*
Fit and proper person	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policy Rationale; Policies – 3.2.2; 3.2.6; 3.2.7)*
	4.3	Business Ownership and Changes to a Licence – Changes in Ownership or Sale of a Licensed Establishment *(Policies - 4.3.9)*
Flatware (cutlery)	2.2	General Information – Licence Categories *(Food Primary Licence)*
	6.7	Premises – Restaurant Operating Details and Furnishings *(Policy Rationale)*
Floor plans	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policies - 3.4.4; 3.4.8; 3.4.10)*
	6.1	Premises – Posting of Licence and Access to Floor Plans
	6.2	Premises – Structural Alterations *(Policy Rationale)*
	6.3	Premises – Capacity *(Policies - 6.3.4)*
Food Demonstrations – see Test kitchen in licensee retail store		
Food fairs, licensing of	2.2	General Information – Licence Categories *(Food Primary Licence)*
	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policies - 3.1.2)*

Terms & Phrases	Section #	Section Name
Food service	2.2	General Information – Licence Categories *(Liquor Primary Licence; Food Primary Licence)*
	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policy Rationale; Policies - 3.1.2;*
Revised April 2008	3.4	Licensing Process – Stage 4: Building Assessment and Issue of Licence (*Plans Approval Guidelines for Liquor Primary Licensing, Food Primary Licensing, Winery Lounge, Special Event, Picnicking, or Tour Area Endorsements)*
	6.6	Premises – Restaurant Lounges *(Policy Rationale; Policies - 6.6.1)*
	6.7	Premises – Restaurant Operating Details and Furnishings *(Policy Rationale)*
	7.7	Liquor Service and Sales – Special Conditions *(Policies - 7.7.1)*
	9.1	Food Service – General Conditions
	12.3	Licensee Relationships with Manufacturers – Consumer Taste Trials *(Policies - 12.3.3)*
	12.4	Licensee Relationships with Manufacturers—Theme Night Promotions (*Policy Rationale)*
Revised July 2007	7.3	Liquor Service and Sales – Pricing *(Policies - 7.3.1)*
Free drinks	12.4	Licensee Relationships with Manufacturers – Theme Night Promotions (*Policies 12.4.4; 12.4.5)*
Free samples – See Consumer Taste Trials		
Free product samples – See Product Samples		
Furnishings	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Plans Approval Guidelines for Food Primary Licensing)*
	6.6	Premises – Restaurant Lounges *(Policy Rationale)*
	6.7	Premises – Restaurant Operating Details and Furnishings
	6.8	Premises – Liquor Service Bars in Restaurants *(Policy Rationale)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policies - 11.4.3)*
G		
Gambling/Gaming	6.5	Premises – Adjoining Licensed and Unlicensed Areas *(Policy Rationale)*
	11.1	Entertainment – General Conditions *(Policy Rationale)*
	11.3	Entertainment – Audio, Film, Video and Television *(Policy Rationale)*
	11.5	Entertainment – Games in a Licensed Establishment *(Policy Rationale; Policies - 11.5.3)*
	11.6	Entertainment – Gambling in a Licensed Establishment
	12.4	Licensee Relationships with Manufacturers –Theme Night Promotions (*12.4.3)*

Terms & Phrases	Section #	Section Name
Games	2.2	General Information – Licence Categories *(Liquor Primary Licence; Food Primary Licence)*
	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policy Rationale; Policies - 3.1.1; Plans Approval Guidelines for Liquor Primary Licensing; Plans Approval Guidelines for Food Primary Licensing)*
	6.6	Premises – Restaurant Lounges *(Policy Rationale; Policies - 6.6.1)*
	6.7	Premises – Restaurant Operating Details and Furnishings *(Policies - 6.7.1)*
	11.1	Entertainment – General Conditions
	11.3	Entertainment – Audio, Film, Video and Television *(Policy Rationale)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment
	11.5	Entertainment – Games in a Licensed Establishment
	11.6	Entertainment – Gambling in a Licensed Establishment
	12.1	Licensee Relationships with Manufacturers – General Conditions (*Policies – 12.1.2)*
	12.4	Licensee Relationships – Theme Night Promotions *(Policies – 12.4.3)*
Gaming Policy and Enforcement Branch	11.6	Entertainment – Gambling in a Licensed Establishment *(Policy Rationale; Policies - 11.6.4; 11.6.6; 11.6.7)*
Glassware	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Plans Approval Guidelines for Liquor Primary Licensing of Stadiums)*
	12.1	Licensee Relationships with Manufacturers –General Conditions *(Policies – 12.1.1; 12.1.2)*
	12.2	Licensee Relationships with Manufacturers – Promotional Items *(Policies - 12.2.2)*
	12.3	Licensee Relationships with Manufactures – Consumer Taste Trials *(Policies – 12.3.5)*
	12.4	Licensee Relationships with Manufacturers – Theme Night Promotions *(Policies – 12.4.5)*
Golf course	7.7	Liquor Service and Sales – Special Conditions *(Policy Rationale; Policies - 7.7.2)*
	10.1	Minors – General Conditions*(Policy Rationale; Policies - 10.1.3)*
H		
Happy hour	7.3	Liquor Service and Sales – Pricing *(Policy Rationale; Policies - 7.3.1)*

Terms & Phrases	Section #	Section Name
Hospitality	2.1	General Information – Operating Environment *(Operating Assumptions)*
	2.2	General Information – Licence Categories *(Background; Liquor Primary Licence)*
	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policy Rationale; Policies - 3.1.1)*
	6.5	Premises – Adjoining Licensed and Unlicensed Areas *(Policies - 6.5.4; 6.5.5)*
	7.7	Liquor Service and Sales – Special Conditions *(Motor Vessels)*
	12.1	*Licensee Relationships with Manufactures – General Conditions (Policies – 12.1.1; 12.1.3)*
	12.5	Licensee Relationships with Manufacturers – Manufacturer Hospitality and Educational Activities *(Policy Rationale; Policies - 12.5.3; 12.5.4)*
Hours of operation	2.2	General Information – Licence Categories *(Food Primary Licence)*
	5.1	Hours of Operation – Hours of Sale *(Policies - 5.1.2; 5.1.7)*
	5.2	Hours of Operation – Special Events *(Policy Rationale)*
	6.4	Premises – Outdoor Patios *(Policy Rationale)*
	6.7	Premises – Restaurant Operating Details and Furnishings *(Policies - 6.7.1)*
	7.7	Liquor Service and Sales – Special Conditions *(Room Service)*
	8.3	Management and Controls of a Licensed Establishment – Management of Patron Conduct *(Policy Rationale)*
Hours of sale	5.1	Hours of Operation – Hours of Sale
	5.2	Hours of Operation – Special Events *(Policy Rationale; Policies - 5.2.1)*
	7.6	Liquor Service and Sales – Off-Premises Sales *(Policies - 7.6.3)*
	8.1	Management and Controls of a Licensed Establishment – General Consumption *(Policies - 8.1.4)*
	8.2	Management and Controls of a Licensed Establishment – Consumption by Employees *(Policy Rationale; Policies - 8.2.2)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policies - 11.4.2; 11.4.5)*
Human Rights Act	8.3	Management and Controls of a Licensed Establishment – Management of Patron Conduct *(Policy Rationale)*
I		
Identification	10.1	Minors – General Conditions *(Policy Rationale; Policies - 10.1.10)*
Incomplete application	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policies - 3.1.4; 3.1.6)*
Individual name change	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policies - 4.2.2)*

Terms & Phrases	Section #	Section Name
Inspection	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policies - 3.4.10; 3.4.11; 3.4.12)*
	4.1	Business Ownership and Changes to a Licence – Change Approval Authority *(Policies - 4.1.5)*
	6.1	Premises – Posting of Licence and Access to Approved Plans
	6.4	Premises – Outdoor Patios *(Policies - 6.4.2)*
	7.2	Liquor Service and Sales – Ordering Liquor *(Policy Rationale)*
	7.5	Liquor Service and Sales – Replacement of Faulty Keg or Spoiled Product by Brewer's Agent *(Policies - 7.5.2)*
	9.1	Food Service – General Conditions *(Policies - 9.1.4)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policies - 11.4.5)*
Inducements	7.3	Liquor Service and Sales – Pricing *(Policy Rationale)*
	11.5	Entertainment – Games in a Licensed Establishment *(Policy Rationale)*
	11.6	Entertainment – Gambling in a Licensed Establishment *(Policy Rationale)*
	12.1	Licensee Relationships with Manufacturers – General Conditions *(Policy Rationale; Policies - 12.1.2)*
Internal amalgamation	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policy Rationale; Policies - 4.2.4)*
Internal ownership	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policy Rationale)*
	4.3	Business Ownership and Changes to a Licence – Change in Ownership or Sale of a Licensed Establishment *(Policy Rationale)*
	4.5	Business Ownership and Changes to a Licence – Valid Interest in an Establishment *(Policy Rationale)*
Internal transfer of shares	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policy Rationale)*
Internet	11.1	Entertainment – General Conditions *(Policies - 11.1.4; 11.1.5)*
	11.3	Entertainment – Audio, Film, Video and Television *(Policy Rationale)*

Terms & Phrases	Section #	Section Name
Intoxicated	2.1	General Information – Operating Environment *(Operating Assumptions; Regard for Community Standards)*
	5.3	Hours of Operation – Alternate Use (Policy Rationale)
	7.7	Liquor Service and Sales – Special Conditions *(Motor Vessels)*
	8.1	Management and Controls of a Licensed Establishment – General Consumption *(Policy Rationale; Policies - 8.1.1)*
	8.3	Management and Controls of a Licensed Establishment – Management of Patron Conduct *(Policy Rationale; Policies - 8.3.1)*
	8.4	Management and Controls of a Licensed Establishment –
	10.1	Serving It Right Program *(Policy Rationale)*
	13.1	Minors – General Conditions *(Policies - 10.1.5)*
		Advertising and Signage (*Policies - 13.1.1)*
K		
Karaoke	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Plans Approval Guidelines for Food Primary Licensing)*
	11.3	Entertainment – Audio, Film, Video and Television *(Policy Rationale)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policy Rationale; Policies - 11.4.1; 11.4.4; 11.4.5)*
	11.5	Entertainment – Games in a Licensed Establishment *(Policy Rationale)*
Kiosk – golf course	7.7	Liquor Service and Sales – Special Conditions *(Golf Course Kiosks, Take-out Windows, and Beverage Carts; Policies - 7.7.2)*
	10.1	Minors – General Conditions *(Policy Rationale; Policies - 10.1.3)*
Kitchen and equipment	2.2	General Information – Licence Categories *(Food Primary Licence)*
	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policies - 3.1.2)*
	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Plans Approval Guidelines for Liquor Primary Licensing; Plans Approval Guidelines for Food Primary Licensing)*
	6.7	Premises – Restaurant Operating Details and Furnishings *(Policy Rationale; Policies - 6.7.1)*
	12.3	Licensee Relationships with Manufacturers – Consumer Taste Trials *(Policies – 12.3.2)*
Knife, as a weapon in a licensed premise	8.3	Management and Controls of a Licensed Establishment – Management of Patron Conduct *(Policy Rationale; Policies - 8.3.1)*

Terms & Phrases	Section #	Section Name
L		
Late renewal of licence	3.7	Licensing Process – Licensing Renewals *(Policy Rationale; Policies - 3.7.4)*
LDB		See Liquor Distribution Branch
Lease	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policy Rationale; Policies - 3.2.4)*
	4.0	Business Ownership and Changes to a Licence – Introduction
	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policy Rationale)*
	4.3	Business Ownership and Changes to a Licence – Change in Ownership or Sale of a Licensed Establishment *(Policy Rationale)*
	4.5	Business Ownership and Changes to a Licence – Valid Interest in an Establishment *(Policy Rationale; Policies - 4.5.1; 4.5.2)*
Legal entity changes	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(footnotes)*
Legal entity status	4.3	Business Ownership and Changes to a Licence – Change in Ownership or Sale of a Licensed Establishment *(Policies 4.3.1; 4.3.4)*
Licence amendment	3.0	Licensing Process – Introduction
	3.5	Licensing Process – Licence Amendments
	5.1	Hours of Operation – Hours of Sale *(Policies - 5.1.2; 5.1.3; Hours of Sale by Licence and Establishment Type)*
	6.3	Premises – Capacity *(Policy Rationale; Policies - 6.3.2; 6.3.3)*
	6.4	Premises – Outdoor Patios *(Policy Rationale; Policies – 6.4.1; 6.4.3)*
Licence categories	1.0	Introduction – Introduction *(Purpose of This Manual)*
	2.2	General Information – Licence Categories *(Background)*
	10.2	Minors – Minors as Entertainers *(Policy Rationale)*
		Licensee Advertising – Signs and Names *(Policies - 12.2.3; 12.2.4)*
Licence fee (see also Fees and Application fees)	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policy Rationale; Policies - 3.4.12)*
Licence renewal	3.7	Licensing Process – Licence Renewals *(Policy Rationale)*
	8.4	Management and Controls of a Licensed Establishment – Serving It Right Program *(Policies - 8.4.2)*
Licence suspension	5.3	Hours of Operation – Alternate Use *(Policies - 5.3.3)*
	8.3	Management and Controls of a Licensed Establishment – Management of Patron Conduct *(Policies - 8.3.3)*

Terms & Phrases	Section #	Section Name
Licence transfer	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policies -4.2.7)*
	4.3	Business Ownership and Changes to a Licence – Change in Ownership or Sale of a Licensed Establishment *(Policy Rationale; Policies - 4.3.1; 4.3.4; 4.3.5; 4.3.9)*
	8.4	Management and Controls of a Licensed Establishment – Serving It Right Program *(Policies - 8.4.2)*
Licensee advertising – See Advertising		
Licensee/employee consumption of liquor	8.2	Consumption by Employees *(Policy Rationale; Policies – 8.2.1, 8.2.2)*
	12.5	Licensee Relationships with Manufacturers – Manufacturer Hospitality and Educational Activities *(Policies - 12.5.2)*
Licensee name	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policy Rationale; Policies - 4.2.1)*
Licensee name change	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policies - 4.2.1)*
Lighting	2.2	General Information – Licence Categories *(Food Primary Licence)*
	6.7	Premises – Restaurant Operating Details and Furnishings
	8.3	Management and Controls of a Licensed Establishment – Management of Patron Conduct *(Policy Rationale)*
Line of sight in establishment	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Plans Approval Guidelines for Liquor Primary Licensing)*
	6.2	Premises – Structural Alterations *(Policies - 6.2.1; 6.2.3)*
	6.5	Premises – Adjoining Licensed and Unlicensed Areas (Policies - 6.5.2; 6.5.3; 6.5.5; 6.5.6)
	11.2	Entertainment – Live Stage Performances (Policy Rationale; Policies - 11.2.3)
Liquor consumption	2.2	General Information – Licence Categories *(Background)*
	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policies - 3.4.8; 3.4.10)*
	7.1	Liquor Sale and Service – Type of Liquor Sold *(Policy Rationale)*
	8.1	Management and Controls of a Licensed Establishment – General Consumption *(Policy Rationale)*
	11.2	Entertainment – Live Stage Performances (Policy Rationale)
	12.3	Licensee Relationships with Manufacturers – Consumer Taste Trials *(Policy Rationale)*

Terms & Phrases	Section #	Section Name
Liquor Distribution Branch	2.1	General Information – Operating Environment *(Branch Organization and Function)*
	2.2	General Information – Licence Categories *(Licensee Retail Store Licence; Manufacturer Licence)*
	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policies - 3.4.13)*
	7.1	Liquor Service and Sales – Type of Liquor Sold *(Policy Rationale; Policies - 7.1.4)*
	7.2	Liquor Service and Sales – Ordering Liquor *(Policy Rationale; Policies - 7.2.2)*
	7.3	Liquor Service and Sales – Pricing *(Policy Rationale;* Policies - 7.3.3; 7.3.4; 7.3.5)
	7.7	Liquor Service and Sales – Special Conditions *(Motor Vessels; Policies - 7.7.3)*
	11.5	Entertainment – Games in a Licensed Establishment *(Policies – 11.5.4; 11.5.5; 11.5.6)*
	12.2	Licensee Relationships with Manufacturers—Promotional Items *(Policies- 12.2.3; 12.2.4)*
	12.3	Licensee Relationships with Manufacturers—Consumer Taste Trials *(Policies- 12.3.1)*
Liquor in washrooms	8.1	Management and Controls of a Licensed Establishment – General Consumption *(Policy Rationale; Policies - 8.1.3)*
Liquor licence categories	2.2	General Information – Licence Categories *(Background; Liquor Primary Club Licence; Food Primary Licence)*
Liquor Licensing Committee	3.2	Licensing Process Stage 2: Applicant Eligibility Assessment *(Policies – 3.2.6)*
	3.3	Licensing Process – Stage 3: Site and Community Assessment (Liquor Primary Only) *(Policies - 3.3.16)*
Liquor Manufacturer		See Manufacturer of Liquor
Liquor prices	7.3	Liquor Service and Sales – Pricing
	12.2	Licensee Relationships with Manufacturers –Promotional Items (Policies – 12.2.4; 12.2.5)
	12.3	Licensee Relationships with Manufacturers –Consumer Taste Trials (Policies – 12.3.4; 12.3.6)
	12.4	Licensee Relationships with Manufacturers – Theme Night Promotions (Policies – 12.4.4)
	12.5	Licensee Relationships with Manufacturers – Manufacturer Hospitality and Educational Activities (Policies – 12.5.1)
	13.1	Advertising and Signage– General Conditions *(Policies - 13.1.1)*

Terms & Phrases	Section #	Section Name
Liquor primary club	1.0	Introduction – Introduction *(Purpose and Format of This Manual)*
	2.2	General Information – Licence Categories *(Liquor Primary Club Licence)*
	3.2	Licensing Process (*Policy Rationale*)
	3.3	Licensing Process – Stage 3: Site and Community Assessment (Liquor Primary Only) *(Policy Rationale)*
	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policies - 4.2.6)*
	4.3	Business Ownership and Changes to a Licence – Change in Ownership or Sale of a Licensed Establishment *(Policies - 4.3.8)*
	4.5	Business Ownership and Changes to a Licence – Valid Interest in an Establishment *(Policies - 4.5.5)*
	5.1	Hours of Operation – Hours of Sale *(Policies - 5.1.3; Hours of Sale by Licence and Establishment Type)*
	6.3	Premises – Capacity *(Policies - 6.3.1; 6.3.3; 6.3.4)*
	6.4	Premises – Outdoor Patios *(Policies - 6.4.1; 6.4.3)*
	6.7	Premises – Restaurant Operating Details and Furnishings *(Policies – 6.7.1)*
	7.6	Liquor Service and Sales – Off-Premises Sales *(Policy Rationale)*
	7.7	Liquor Service and Sales – Special Conditions *(Policies - 7.7.1)*
	8.1	Management and Controls of a Licensed Establishment – General Consumption *(Policy Rationale; Policies - 8.1.4)*
	10.1	Minors – General Conditions *(Policy Rationale; Policies - 10.1.3)*
Liquor register	7.2	Liquor Service and Sales – Ordering Liquor *(Policies - 7.2.1; 7.2.2)*
	7.5	Liquor Service and Sales – Replacement of Faulty Keg or Spoiled Product by Brewer's Agent *(Policy Rationale; Policies - 7.5.1)*
	12.5	Licensee Relationships with Manufacturers – Manufacturer Hospitality and Educational Activities *(Policies – 12.5.2)*
Liquor service bar	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policies - 3.4.4; Plans Approval Guidelines for Liquor Primary Licensing; Plans Approval Guidelines for Liquor Primary Licensing)*
	6.2	Premises – Structural Alterations *(Policies - 6.2.13)*
	6.4	Premises – Outdoor Patios *(Policies - 6.4.2)*
	6.8	Premises – Liquor Service Bars in Restaurants
	10.1	Minors – General Conditions *(Policies - 10.1.5)*

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Terms & Phrases	Section #	Section Name
Liquor Vendors	7.7	Liquor Service and Sales – Special Conditions: Stadiums *(Policies – 7.7.6)*
Local government	2.1	General Information – Operating Environment *(Branch Organisation and Function)*
	2.2	General Information – Licence Categories *(Liquor Primary Licence; Food Primary Licence)*
	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policies - 3.2.2)*
	3.3	Licensing Process – Stage 3: Site and Community Assessment (Liquor Primary Only) *(Policy Rationale; Policies – 3.3.3; 3.3.4 - 3.3.11; 3.3.13; 3.3.14)*
	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policy Rationale; Policies - 3.4.1; 3.4.6; 3.4.7; 3.4.13; Plans Approval Guidelines for Winery Lounge or Picnicking Endorsement)*
	3.5	Licensing Process – Licence Amendments *(Policy Rationale)*
	3.7	Licensing Process – Licence Renewals *(Policies - 3.7.1)*
	4.1	Business Ownership and Changes to a Licence – Change Approval Authority *(Policies - 4.1.5)*
	4.4	Business Ownership and Changes to a Licence – Relocation of a Licensed Establishment *(Policy Rationale; Policies - 4.4.3)*
	5.1	Hours of Operation – Hours of Sale *(Policy Rationale; Policies - 5.1.2; 5.1.3; 5.1.6)*
	6.2	Premises – Structural Alterations *(Policy Rationale)*
	6.3	Premises – Capacity
	6.4	Premises – Outdoor Patios *(Policy Rationale)*
	7.6	Liquor Service and Sales – Off-Premises Sales *(Policy Rationale; Policies - 7.6.2)*
	7.7	Liquor Service and Sales – Special Conditions *(Motor Vessels; Policies - 7.7.3)*
	11.1	Entertainment – General Conditions *(Policy Rationale; Policies - 11.1.4)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policy Rationale; Policies - 11.4.2; 11.4.4)*
Lottery tickets	2.2	General Information – Licence Categories *(Licensee Retail Store Licence)*
	9.1	Food Service – General Conditions *(Policy Rationale; Policies - 9.1.6)*
	11.6	Entertainment – Gambling in a Licensed Establishment *(Policies - 11.6.3)*

Terms & Phrases	Section #	Section Name
Lounge endorsement - restaurants	1.0	Introduction – Introduction *(Purpose and Format of This Manual)*
	2.2	General Information – Licence Categories *(Food Primary Licence)*
	6.3	Premises – Capacity *(Policies - 6.3.3)*
	6.6	Premises – Restaurant Lounges
	6.8	Premises – Restaurant Lounges
	7.1	Liquor Service and Sales – Type of Liquor Sold
	13.1	Advertising and Signage – General Conditions *(Policies - 13.1.3)*
Lounge endorsement–winery		See Winery lounge and special event endorsements
M		
Management contract	4.0	Business Ownership and Changes to a Licence – Introduction
	4.5	Business Ownership and Changes to a Licence – Valid Interest in a Licensed Establishment *(Policy Rationale; Policies - 4.5.5)*
Manufacturers of liquor	2.1	General Information – Operating Environment *(Client Groups)*
	2.2	General Information – Licence Categories *(Background; U-Brew/U-Vin Licence; Manufacturer Licence)*
	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policy Rationale; Policies - 3.2.1; 3.2.5)*
	6.4	Premises – Outdoor Patios *(Policy Rationale)*
	7.1	Liquor Service and Sales – Type of Liquor Sold *(Policy Rationale)*
	7.5	Liquor Service and Sales – Replacement of Faulty Keg or Spoiled Product by Brewer's Agent *(Policy Rationale)*
	7.7	Liquor Service and Sales – Special Conditions *(Policies - 7.7.8)*
	11.5	Entertainment – Games in a Licensed Establishment *(Policy Rationale; Policies - 11.5.4 – 11.5.6)*
	12.1	Licensee Relationships with Manufacturers – General Conditions *(Policy Rationale; Policies - 12.1.1; 12.1.2; 12.1.3; 12.1.4)*
	12.2	Licensee Relationships with Manufacturers –Promotional Items (*Policy Rationale; 12.2.1; 12.2.2; 12.2.3; 12.2.4; 12.2.5)*
	12.3	Licensee Relationships with Manufacturers – Consumer Taste Trials *(Policy Rationale; Policies- 12.3.1; 12.3.2; 12.3.3;12.3.4; 12.3.6; 12.3.7)*
	12.4	Licensee Relationships with Manufacturers – Theme Night Promotion (*Policy Rationale; Policies- 12.4.2; 12.4.3; 12.4.4)*
	12.5	Licensee Relationships with Manufacturers – Manufacturer Hospitality and Educational Activities *(Policies – 12.5.2; 12.5.3; 12.5.4; 12.5.5)*
	13.1	Advertising and Signage – General Conditions (*Policies – 13.1.1)*

Terms & Phrases	Section #	Section Name
Meat draws	11.6	Entertainment – Gambling in a Licensed Establishment *(Policy Rationale; Policies - 11.6.6)*
Menu	2.2	General Information – Licence Categories *(Food Primary Licence)*
	6.6	Premises – Restaurant Lounges *(Policies - 6.6.1)*
	6.7	Premises – Restaurant Operating Details and Furnishings *(Policy Rationale; Policies - 6.7.1)*
	7.3	Liquor Service and Sales – Pricing *(Policies - 7.3.2)*
	8.2	Management and Controls of a Licensed Establishment – Consumption by Employees *(Policy Rationale)*
	12.2	Licensee Relationships with Manufacturers – Promotional Items *(Policies- 12.2.1; 12.2.2)*
Military mess (See also Liquor Primary Club)	2.2	General Information – Licence Categories *(Liquor Primary Licence)*
	10.1	Minors – General Conditions *(Policy Rationale; Policies - 10.1.3)*
Mini-bar	7.7	Liquor Service and Sales – Special Conditions *(Policy Rationale; Mini-bars, Policies - 7.7.5)*
	8.1	Management and Controls of a Licensed Establishment – General Consumption *(Policy Rationale; Policies - 8.1.4)*
Minimum Operating Requirements	4.5	Business Ownership/Changes to a Licence – Valid Interest in an Establishment (Policy 4.5..6)
	5.1	Hours of Operation – Hours of Sale (Policy Rational, Hours of Sale by Licence and Establishment Type)

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Terms & Phrases	Section #	Section Name
Minors	2.1	General Information – Operating Environment *(Operating Assumptions; Regard for Community Standards)*
	2.2	General Information – Licence Categories *(Licensee Retail Store Licence)*
	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policy Rationale; Policies - 3.1.1)*
	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policies - 3.2.3)*
	5.3	Hours of Operation – Alternate Use *(Policy Rationale; Policies - 5.3.2; 5.3.3)*
	6.4	Premises – Outdoor Patios *(Policy Rationale)*
	6.5	Premises – Adjoining Licensed and Unlicensed Areas *(Policy Rationale)*
	7.1	Liquor Service and Sales – Type of Liquor Sold *(Policy Rationale)*
	7.7	Liquor Service and Sales – Special Conditions *(Room Service; Stadiums; Downhill Ski Resort Areas; Policies - 7.7.6; 7.7.9)*
	8.2	Management and Controls of a Licensed Establishment – Consumption by Employees *(Policy Rationale)*
	8.3	Management and Controls of a Licensed Establishment – Management of Patron Conduct *(Policy Rationale; Policies - 8.3.1)*
	8.4	Management and Controls of a Licensed Establishment – Serving It Right Program *(Policy Rationale)*
	10.0	Minors – Introduction
	10.1	Minors – General Conditions
	10.2	Minors – Minors as Entertainers
	11.2	Entertainment – Live Stage Performances *(Policy Rationale; Policies - 11.2.3, 11,2.4)*
	11.3	Entertainment – Audio, Film, Video and Television *(Policies - 11.3.2)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policy Rationale)*
	11.6	Entertainment – Gambling in a Licensed Establishment *(Policy Rationale)*
	12.3	Licensee Relationships with Manufacturers – Relationships with Manufacturers – Consumer Taste Trials *(Policy Rationale; Policies - 12.3.6)*
Mobile food providers – eg. Hot dog vendors	2.2	General Information – Licence Categories *(Food Primary Licence)*
	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policies – 3.1.2)*
Motion Picture Act	11.3	Entertainment – Audio, Film, Video and Television *(Policies - 11.3.2)*

Terms & Phrases	Section #	Section Name
Motor vehicle	2.2	General Information – Licence Categories *(Liquor Primary Licence)*
	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policy Rationale; Policies - 3.1.1)*
Motor Vessel	3.2	Licensing Process – Applicant Eligibility Assessment *(Policies – 3.2.4)*
	7.7	Liquor Service and Sales – Special Conditions *(Policy Rationale; Policies – 7.7.3)*
	10.1	Minors – General Conditions *(Policy Rationale; Policies – 10.1.3, 10.1.7)*
Movie theatre	2.2	General Information – Licence Categories *(Liquor Primary Licence)*
	11.1	Entertainment – General Conditions *(Policy Rationale; Policies - 11.1.2; 11.1.4)*
Music	11.2	Entertainment – Live Stage Performances *(Policy Rationale)*
	11.3	Entertainment – Audio, Film, Video and Television *(Policies - 11.3.2)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policy Rationale; Policies - 11.4.1)*
N		
Name change	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes
Narcotic Control Act	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policies - 3.2.2)*
	3.7	Licensing Process – Licence Renewals *(Policies - 3.7.1)*
New Year's Eve	5.2	Hours of Operation – Special Events *(Policies - 5.2.1)*
	7.3	Liquor Service and Sales – Pricing *(Policy Rationale)*
Newspaper advertisement for licence applications	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policies - 3.3.15)*
	3.5	Licensing Process – Licence Amendments *(Policies - 3.5.12)*

Terms & Phrases	Section #	Section Name
Noise	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policies - 3.3.2)*
	3.5	Licensing Process – Licence Amendments *(Policy Rationale; Policies - 3.5.1; 3.5.2)*
	5.1	Hours of Operation – Hours of Sale *(Policy Rationale; Policies - 5.1.2)*
	5.3	Hours of Operation – Alternate Use *(Policy Rationale)*
	6.2	Premises – Structural Alterations *(Policy Rationale)*
	6.3	Premises – Capacity *(Policy Rationale; Policies - 6.3.2)*
	6.4	Premises – Outdoor Patios
	8.3	Management and Controls of a Licensed Establishment – Management of Patron Conduct *(Policy Rationale)*
	10.1	Minors – General Conditions *(Policies - 10.1.10)*
	11.1	Entertainment – General Conditions *(Policy Rationale; Policies - 11.1.2)*
	11.2	Entertainment – Live Stage Performances *(Policies - 11.2.1)*
	11.3	Entertainment – Audio, Film, Video and Television *(Policies - 11.3.1)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policy Rationale; Policies - 11.4.2)*
	11.5	Entertainment – Games in a Licensed Establishment *(Policies - 11.5.1)*
	11.6	Entertainment – Gambling in a Licensed Establishment *(Policies - 11.6.2)*
Non-alcoholic beverages	2.2	General Information – Licence Categories *(Liquor Primary Licence)*
	7.7	Liquor Service and Sales – Special Conditions *(Policies - 7.7.2)*
	9.1	Food Service – General Conditions
Notice of Intent	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policies - 3.3.15)*
	3.5	Licensing Process – Licence Amendments *(Policies - 3.5.11)*
O		
Occupant load	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policy Rationale; Policies - 3.4.5; 3.4.6; 3.4.7; Plans Approval Guidelines)*
	3.5	Licensing Process – Licence Amendments *(Policies - 3.5.1)*
	6.2	Premises – Structural Alterations *(Policies - 6.2.3)*
	6.3	Premises – Capacity
	6.5	Premises – Adjoining Licensed and Unlicensed Areas *(Policies - 6.5.2; 6.5.3; 6.5.5)*
Officers of a club	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policies - 4.2.6)*

Terms & Phrases	Section #	Section Name
Off-premise sales	7.1	Liquor Service and Sales – Type of Liquor Sold *(Policy Rationale)*
	7.6	Liquor Service and Sales – Off-Premises Sales
	7.7	Liquor Service and Sales – Special Conditions *(Room Service)*
	8.1	Management and Controls of a Licensed Establishment – General Conditions *(Policies - 8.1.2)*
	13.1	Advertising and Signage *(Policies -13.1.1)*
Operating environment	2.1	General Information – Operating Environment
Ordering liquor	7.2	Liquor Service and Sales – Ordering Liquor
P		
Pari-mutuel betting (off-track)	11.6	Entertainment – Gambling in a Licensed Establishment *(Policy Rationale; Policies – 11.6.7)*
Parking	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policies - .3.3.2)*
	6.2	Premises – Structural Alterations *(Policy Rationale)*
	6.3	Premises – Capacity *(Policy Rationale)*
	8.3	Management and Controls of a Licensed Establishment – Management of Patron Conduct *(Policy Rationale)*
Partnerships	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policy Rationale; Policies - 3.2.2; 3.2.3)*
	3.7	Licensing Process – Licence Renewals *(Policies - 3.7.1)*
	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policy Rationale; Policies - 4.2.1; 4.2.2)*
	4.3	Business Ownership and Changes to a Licence – Change in Ownership or Sale of a Licensed Establishment *(Policies - 4.3.1; 4.3.5)*
Patio	2.2	General Information – Licence Categories *(Liquor Primary Licence; Food Primary Licence)*
	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policies - 3.4.2; Plans Approval Guidelines)*
	3.5	Licensing Process – Licence Amendments *(Policy Rationale; Policies - 3.5.1)*
	6.2	Premises – Structural Alterations *(Policies - 6.2.1)*
	6.4	Premises – Outdoor Patios
	6.5	Premises – Adjoining Licensed and Unlicensed Areas *(Policy Rationale; Policies - 6.5.2)*
	6.6	Premises – Restaurant Lounges *(Policy Rationale; Policies - 6.6.3)*
Patio umbrellas	12.2	Licensee Relationships with Manufacturers – Promotional Items *(Policy Rationale; Policies - 12.2.2)*
Patron capacity	6.6	Premises – Restaurant Lounges *(Policy Rationale; Policies - 6.6.4)*

Terms & Phrases	Section #	Section Name
Patron conduct	8.3	Management and Controls of a Licensed Establishment – Management of Patron Conduct
	11.1	Entertainment – General Conditions *(Policy Rationale)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policy Rationale)*
	11.6	Entertainment – Gambling in a Licensed Establishment *(Policy Rationale)*
Patron non-participation entertainment	11.4	Entertainment – Patron Participation and Non-Participation Entertainment
Patron participation entertainment	2.2	General Information – Licence Categories *(Food Primary Licence)*
	3.5	Licensing Process – Licence Amendments *(Policy Rationale; Policies - 3.5.2)*
	6.3	Premises – Capacity *(Policy Rationale)*
	10.2	Minors – General Conditions *(Policies - 10.2.2)*
	11.1	Entertainment – General Conditions *(Policy Rationale; Policies - 11.1.4; 11.1.6)*
	11.2	Entertainment – Live Stage Performances *(Policy Rationale)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment
	11.5	Entertainment – Games in a Licensed Establishment *(Policy Rationale)*
Person capacity	2.2	General Information – Licence Categories *(Liquor Primary Licence; Food Primary Licence)*
	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policies - 3.3.2)*
	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policy Rationale; Policies - 3.4.4; 3.4.5; 3.4.6; 3.4.7)*
	3.5	Licensing Process – Licence Amendments *(Policy Rationale; Policies - 3.5.1)*
	6.2	Premises – Structural Alterations *(Policy Rationale; Policy - 6.2.2)*
	6.3	Premises – Capacity
	6.5	Premises – Adjoining Licensed and Unlicensed Areas *(Policy Rationale)*
	6.6	Premises – Restaurant Lounges
Personal history	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policies – 3.1.5)*
Personal suitability factor	3.7	Licensing Process – Licence Renewals *(Policies - 3.7.1)*
Petitions	3.3	Licensing Process – Stage 3: Site and Community Assessment (Liquor Primary Only) *(Policies - 3.3.16)*
	3.5	Licensing Process – Licence Amendments *(Policies - 3.5.12)*

Terms & Phrases	Section #	Section Name
Picnic and tour areas – winery endorsement	1.0	Introduction – Introduction *(Purpose and Format of This Manual)*
	2.2	General Information – Licence Categories *(Manufacturer Licence)*
	3.4	Licensing Process – *Stage 4 Building Assessment and Issue of a Licence (Plans Approval Guidelines for Winery Lounge, Special Event, Picnicking or Tour Area Endorsements)*
	4.4	Business Ownership and Changes to a Licence – Relocation of a Licensed Establishment *(Policies - 4.4.3)*
	4.5	Business Ownership and Changes to a Licence – Valid Interest in a Licensed Establishment *(Policies - 4.5.5)*
	5.1	Hours of Operation – Hours of Sale (Policy Rationale; Hours of Sale by Licensed Establishment)
	6.5	Premises- Adjoining Licensed and Unlicensed Areas
	7.1	Liquor Service and Sales – Types of Liquor Sold *(Policy Rationale; Policies - 7.1.5)*
	7.3	Liquor Service and Sales – Pricing *(Policies - 7.3.6)*
	8.1	Management and Controls of a Licensed Establishment – General Consumption *(Policy Rationale; Policies - 8.1.7)*
	9.1	Food Service – General Conditions *(Policy Rationale; Policies - 9.1.1)*
	10.1	Minors – General Conditions *(Policy Rationale; Policies - 10.1.1; 10.1.5)*
	10.2	Minors – Minors as Entertainers *(Policies - 10.2.1)*
	11.1	Entertainment – General Conditions *(Policies - 11.1.2; 11.1.4)*
	11.2	Entertainment – Live Stage Performances *(Policy Rationale)*
	11.3	Entertainment – Audio, Film, Video, Television (Policy Rationale; policies 11.3.1; 11.3.2)
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policies - 11.4.2)*
	11.5	Entertainment – Games in a Licensed Establishment *(Policies - 11.5.1)*
Plans and plans approval guidelines	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence
	4.4	Business Ownership and Changes to a Licence – Relocation of a Licensed Establishment *(Policy Rationale; Policies - 4.4.3)*
	6.1	Premises – Posting of a Licence and Access to Approved Plans
	6.2	Premises – Structural Alterations *(Policy Rationale; Policy - 6.2.2; 6.2.3)*
	6.3	Premises – Capacity *(Policies - 6.3.3)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policies - 11.4.4)*

Terms & Phrases	Section #	Section Name
Police	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policies - 3.1.5)*
	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policies - 3.4.13)*
	4.1	Business Ownership and Changes to a Licence – Change Approval Authority *(Policies - 4.1.5)*
	5.1	Hours of Operation – Hours of Sale *(Policies - 5.1.2)*
	6.1	Premises – Posting of Licence and Access to Approved Plans
	7.2	Liquor Service and Sales – Ordering Liquor *(Policy Rationale)*
	7.6	Liquor Service and Sales – Off-Premises Sales *(Policy Rationale)*
	8.1	Management and Controls of a Licensed Establishment – General Consumption *(Policy Rationale)*
Population	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policies - 3.3.2; 3.3.9)*
Posting of licence	6.1	Premises – Posting of Licence and Access to Approved Plans
Price lists	7.3	Liquor Service and Sales – Pricing
Primary operating purpose of licensed establishment	2.2	General Information – Licence Categories *(Background)*
	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policies - 3.1.1; 3.1.2)*
	6.4	Premises – Outdoor Patios (Policy Rationale)
	6.7	Premises – Restaurant Operating Details and Furnishings *(Policy Rationale)*
	6.8	Premises – Liquor Service Bars in Restaurants *(Policy Rationale)*
	7.7	Liquor Service and Sales – Special Conditions *(Clubs)*
	11.5	Entertainment – Games in a Licensed Establishment *(Policy Rationale)*
	11.6	Entertainment – Gambling in a Licensed Establishment *(Policy Rationale)*
Prizes	11.6	Entertainment – Gambling in a Licensed Establishment *(Policy Rationale; Policies – 11.6.4; 11.6.6)*
	12.3	Relationships with Manufacturers – Contests *(Policies - 12.3.1;12.3.2)*
	12.4	Licensee Relationships with Manufacturers –Theme Night Promotions *(Policies - 12.4.3)*

Terms & Phrases	Section #	Section Name
Product Samples	12.1	Licensee Relationships with Manufacturers – General Conditions *(Policies – 12.1.1)*
	12.2	Licensee Relationships with Manufacturers – Promotional Items *(Policies – 12.2.4)*
	12.3	Licensee Relationships with Manufacturers – Consumer Taste Trials *(Policy Rationale)*
	12.5	Licensee Relationships with Manufacturers – Manufacturer Hospitality and Educational Activities *(Policy Rationale; 12.5.2)*
Product Vouchers	12.1	Licensee Relationships with Manufacturers – General Conditions *(Policies – 12.1.1)*
	12.2	Licensee Relationships with Manufacturers – Promotional Items *(Policy Rationale; Policies – 12.2.5)*
Promotional Items/Activities	11.5	Entertainment – Games in a Licensed Establishment *(Policies – 11.5.4;11.5.5; 11.5.6)*
	12.1	Licensee Relationships with Manufacturers – General Conditions *(Policy Rationale;12.1.1; 12.1.3; 12.1.4)*
	12.2	Licensee Relationships with Manufacturers – Promotional Items *(Policy Rationale; Policies- 12.2.1; 12.2.2; 12.2.3; 12.2.4)*
	12.3	Licensee Relationships with Manufacturers – Consumer Taste Trials *(Policy Rationale)*
	12.4	Licensee Relationships with Manufacturers – Theme Night Promotions *(Policy Rationale; 12.4.1 – 12.4.5)*
	12.5	Licensee Relationships with Manufacturers – Manufacturer Hospitality and Educational Activities *(Policy Rationale; Policies – 12.5.1)*

Terms & Phrases	Section #	Section Name
Public interest	2.1	General Information – Operating Environment *(Operating Principles)*
	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policies - 3.2.2)*
	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policy Rationale; Policies - 3.3.1; 3.3.6; 3.3.9; 3.3.11; 3.3.13; 3.3.14)*
	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policy Rationale; Policies - 3.4.1; 3.4.6)*
	3.5	Licensing Process – Licence Amendments *(Policy Rationale; Policies - 3.5.5; 3.5.8; 3.5.10)*
	3.7	Licensing Process – Licence Renewals *(Policy Rationale; Policies - 3.7.1)*
	4.1	Business Ownership and Changes to a Licence – Change Approval Authority *(Policies - 4.1.2)*
	4.4	Business Ownership and Changes to a Licence – Relocation of a Licensed Establishment *(Policy Rationale)*
	4.5	Business Ownership and Changes to a Licence – Valid Interest in an Establishment *(Policy Rationale)*
	4.6	Business Ownership and Changes to a Licence – Dormant Liquor Primary Licences *(Policy Rationale)*
	5.1	Hours of Operation – Hours of Sale *(Policy Rationale: 5.1.2; 5.1.5; 5.1.6)*
	5.3	Hours of Operation – Alternate Use *(Policy Rationale)*
	6.2	Premises – Structural Alterations *(Policy Rationale)*
	6.3	Premises – Capacity *(Policy Rationale; Policies - 6.3.2)*
	6.4	Premises – Outdoor Patios *(Policy Rationale; Policies - 6.4.1)*
	6.5	Premises – Adjoining Licensed and Unlicensed Areas *(Policy Rationale; Policies - 6.5.1)*
	7.1	Liquor Service and Sales – Types of Liquor Sold *(Policy Rationale)*
	7.6	Liquor Service and Sales – Off-Premises Sales *(Policy Rationale)*
	7.7	Liquor Service and Sales – Special Conditions
	8.3	Management and Controls of a Licensed Establishment – Management of Patron Conduct *(Policy Rationale; Policies - 8.3.2)*
	10.1	Minors – General Conditions *(Policy Rationale; Policies - 10.1.1; 10.1.2; 10.1.3)*
	10.2	Minors – Minors as Entertainers *(Policy Rationale; Policies - 10.2.2)*
	11.1	Entertainment – General Conditions *(Policy Rationale; Policies - 11.1.2)*
	11.2	Entertainment – Live Stage Performances *(Policies - 11.2.1; 11.2.3)*
	11.3	Entertainment – Audio, Film, Video and Television
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policies - 11.4.2)*
		Entertainment – Games in a Licensed Establishment

Terms & Phrases	Section #	Section Name
Public notice	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policies -3.3.13; 3.3.15; 3.3.16)*
	3.5	Licensing Process – Licence Amendments *(Policies – 3.5.5; 3.5.10; 3.5.11; 3.5.12)*
Public opinion	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policies - 3.3.9)*
	3.5	Licensing Process – Licence Amendments *(Policies - 3.5.8)*
Public response radius	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policies - 3.3.16)*
	3.5	Licensing Process – Licence Amendments *(Policies - 3.5.12)*
Public safety	2.1	General Information – Operating Environment *(Operating Principles)*
	2.2	General Information – Licence Categories *(Liquor Primary Licence)*
	6.3	Premises – Capacity *(Policy Rationale)*
	7.1	Liquor Service and Sales – Types of Liquor Sold *(Policy Rationale)*
	7.6	Liquor Service and Sales – Off-Premises Sales *(Policy Rationale)*
	7.7	Liquor Service and Sales – Special Conditions *(Room Service)*
	8.3	Management and Controls of a Licensed Establishment – Management of Patron Conduct *(Policy Rationale)*
	11.0	Entertainment – Introduction
	11.1	Entertainment – General Conditions *(Policies - 11.1.3)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policy Rationale)*
	11.6	Entertainment – Gambling In a Licensed Establishment *(Policy Rationale; Policies – 11.6.4; 11.6.6)*
	12.4	Licensee Relationships with Manufacturers – Licensee Advertising and Signs *(Policy Rationale)*
	13.1	Advertising and Signage – General Conditions *(Policy Rationale)*
R		
Re-application	3.6	Licensing Process – Re-Application
Reasonable measures	8.3	Management and Control of a Licensed Establishment – Management of Patron Conduct *(Policy Rationale; Policies - 8.3.2)*
Receivership	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policies - 4.2.8)*
Redlined area	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policies - 3.4.4)*
Referendum	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policies - 3.3.11; 3.3.12)*

Terms & Phrases	Section #	Section Name
Relocation	2.2	General Info – Operating Environment (LRS Licence)
	4.4	Business Ownership and Changes to a Licence – Relocation of a Licensed Establishment
Renovations	4.0	Business Ownership and Changes to a Licence – Introduction
	6.3	Premises – Structural Alterations *(Policy Rationale)*
Resident(s)	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policy Rationale; Policies - 3.2.1; 3.2.3)*
	3.3	Licensing Process-Stage 3: Site and Community Assessment (Liquor Primary Only) *(Policies – 3.3.11; 3.3.12; 3.3.13; 3.3.16)*
	3.5	Licensing Process – licensing Amendments *(Policy Rationale – Policies 3.5.3; 3.5.10; 3.5.12)*
Resident manager	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policy Rationale; Policies - 3.2.9)*
Resolution from local government or First Nation	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policies -; 3.3.10; 3.3.13; 3.3.14)*
	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policies 3.4.6)*
	3.5	Licensing Process – Licence Amendments *(Policies - 3.5.3; 3.5.6; 3.5.7; 3.5.8; 3.5.9; 3.5.10)*
	4.4	Business Ownership and Changes to a Licence – Relocation of a Licensed Establishment *(Policy Rationale; Policies - 4.4.3)*
	6.3	Premises – Structural Alterations *(Policies - 6.3.4)*
	7.6	Liquor Service and Sales – Off-Premises Sales *(Policy Rationale; Policies - 7.6.2)*
	7.7	Liquor Service and Sales – Special Conditions *(Motor Vessels; Policies - 7.7.3)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policies - 11.4.2; 11.4.4)*
Responsible beverage service	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policy Rationale; Policies - 3.2.2)*
	3.7	Licensing Process – Licence Renewals *(Policies - 3.7.1)*
	7.7	Liquor Service and Sales – Special Conditions *(Policies - 7.7.2)*
	8.3	Management and Control of a Licensed Establishment – Management of Patron Conduct *(Policy Rationale)*
	8.4	Management and Control of a Licensed Establishment – Serving It Right Program *(Policy Rationale)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policies - 11.4.5)*
	12.3	Licensee Relationships with Manufacturers – Consumer Taste Trials *(Policies - 12.3.6)*

Terms & Phrases	Section #	Section Name
Restaurant lounge		See Lounge Endorsement
Room service	7.7	Liquor Service and Sales – Special Conditions *(Room Service; Mini-Bars; Policies - 7.7.4)*
	8.1	Management and Control of a Licensed Establishment – General Conditions *(Policy Rationale; Policies - 8.1.4)*
S		
Sacramental Wine	7.8	Sacramental Wine (Policy Rationale; Policies 7.8.1
Sale of a licensed establishment	4.3	Business Ownership and Changes to a Licence – Change in Ownership or Sale of a Licensed Establishment *(Policy Rationale; Policies - 4.3.1)*
	4.5	Business Ownership and Changes to a Licence – Valid Interest in an Establishment *(Policy Rationale)*
Seasonally-operated establishment	4.6.	Business Ownership and Changes to a Licence – Dormant Liquor Primary Licences (Policies - 4.6.1)
Serving It Right		See Responsible Beverage Service
Share transfer	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policy Rationale; Policies - 4.2.5)*
	4.3	Business Ownership and Changes to a Licence – Change in Ownership or Sale of a Licensed Establishment *(Policy Rationale; Policies – 4.3.1; 4.3.4; 4.3.6; 4.3.7)*
Shareholders	4.2	Business Ownership and Changes to a Licence – Legal Name/ Internal Ownership Changes *(Policy Rationale)*
	4.3	Business Ownership and Changes to a Licence – Change in Ownership or Sale of a Licensed Establishment *(Policy Rationale; Policies - 4.3.3; 5.3.6; 4.3.7)*
	7.7	Liquor Service and Sales – Special Conditions *(Brew Pubs – Tied House Exemption)*
Sign approval	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policies - 3.1.9)*
Signs	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policies - 3.1.9)*
	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policies - 3.3.15)*
	3.5	Licensing Process – Licence Amendments *(Policies - 3.5.11)*
	11.1	Entertainment – General Conditions *(Policy Rationale; Policies - 11.1.7)*
	11.3	Entertainment – Audio, Film, Video and Television *(Policies - 11.3.2)*
	12.2	Licensee Relationships with Manufacturers – Promotional Items *(Policies - 12.2.2)*
	13.1	Advertising and Signage – General Conditions *(Policy Rationale; Policies- 13.1.1; 13.1.3; 13.1.4; 13.1.5; 13.1.6)*

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Terms & Phrases	Section #	Section Name
Site and community assessment	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policy Rationale; Policies - 3.3.1; 3.3.11; 3.3;13; 3.3.17; 3.3.18; 3.3.19)*
	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policies - 3.4.8)*
	3.5	Licensing Process – Licence Amendments *(Policy Rationale)*
	3.7	Licensing Process – Licence Renewals *(Policies - 3.7.2)*
	4.4	Business Ownership and Changes to a Licence – Relocation of a Licensed Establishment *(Policy Rationale; Policies - 4.4.3)*
	5.0	Hours of Operation – Introduction
Ski hills -see Downhill ski resort areas		
Snacks	2.2	General Information – Licence Categories *(Licensee Retail Store Licence)*
	7.7	Liquor Service and Sales – Special Conditions *(Mini-Bars; Policies - 7.7.2)*
	9.1	Food Service – General Conditions *(Policy Rationale; Policies - 9.1.2; 9.1.6)*
Social Services tax	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policies - 3.4.12)*
	7.3	Liquor Service and Sales – Pricing *(Policies - 7.3.3)*
Socio-economic information	3.3	Licensing Process – Stage 3: Site and Community Assessment (Liquor Primary Only) *(Policies - 3.3.2)*
Special event area – See Winery lounge and special event area endorsements		
Special occasion licence	5.2	Hours of Operation – Special Events
	8.4	Management and Control of a Licensed Establishment – Serving It Right Program *(Policies - 8.4.3)*
Sponsorship	12.5	Licensee Relationships with Manufacturers – Manufacturer Hospitality and Educational Activities *(Policy Rationale; Policies – 12.5.5)*

Terms & Phrases	Section #	Section Name
Stadium	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Plans Approval Guidelines for Liquor Primary Licensing of Stadiums)*
	4.5	Business Ownership and Changes to a Licence – Valid Interest in an Establishment *(Policy Rationale)*
	7.1	Liquor Service and Sales – Types of Liquor Sold *(Policy Rationale; Policies - 7.1.2)*
	7.7	Liquor Service and Sales – Special Conditions *(Stadiums; Stadiums and Concert Halls – Tied House Exemptions; Policies - 7.7.6; 7.7.7)*
	10.1	Minors – General Conditions *(Policy Rationale; Policies - 10.1.3; 10.1.8; 10.1.9)*
	12.1	Licensee Relationships with Manufacturers –General Conditions *(Policies-12.1.2; 12.1.3)*
	12.5	Licensee Relationships with Manufacturers – Manufacturer Hospitality and Educational Activities *(Policies - 12.5.5)*
	13.1	Advertising and Signage – General Conditions *(Policies – 13.1.1)*
Staff parties	5.2	Hours of Operation – Special Events *(Policy Rationale; Policies - 5.2.2)*
Stage - entertainment	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policies - 3.4.4; Plans Approval Guidelines for Liquor Primary Licensing; Plans Approval Guidelines for Food Primary Licensing)*
	4.5	Business Ownership and Changes to a Licence – Valid Interest in an Establishment *(Policies - 4.5.4)*
	6.2	Premises – Structural Alterations *(Policies - 6.2.1)*
	6.7	Premises – Restaurant Operating Details and Furnishings *(Policy Rationale; Policies - 6.7.2)*
	11.1	Entertainment – General Conditions *(Policy Rationale; Policies - 11.1.3; 11.1.7)*
	11.2	Entertainment – Live Stage Performances
	11.3	Entertainment – Audio, Film, Video and Television *(Policy Rationale)*
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policy Rationale; Policies - 11.4.1;11.4.3)*
Stairwells, licensing of	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policies - 3.4.4)*
Statute barred	4.1	Business Ownership and Changes to a Licence – Change Approval Authority *(Policies - 4.1.3)*
Statutory declaration	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policies - 3.1.5)*
~~Strippers~~	~~11.2~~	DELETED – October, 2008

Terms & Phrases	Section #	Section Name
Structural alterations	4.4	Business Ownership and Changes to a Licence – Relocation of a Licensed Establishment *(Policies - 4.4.4)*
	6.2	Premises – Structural Alterations
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policy Rationale; Policies - 11.4.2)*
T		
Table	2.2	General Information – Licence Categories *(Food Primary Licence)*
	6.7	Premises – Restaurant Operating Details and Furnishings *(Policy Rationale; Policies - 6.7.1)*
	7.4	Liquor Service and Sales – Dispensers and Drink Sizes *(Policies - 7.4.1)*
	11.1	Entertainment – General Conditions *(Policy Rationale; Policies - 11.1.5)*
	11.2	Entertainment – Live Stage Performances *(Policies – 11.2.3; 11.2.4)*
	11.5	Entertainment – Games in a Licensed Establishment *(Policy Rationale)*
	12.4	Licensee Relationships with Manufacturers – Theme Night Promotions *(Policies - 12.4.2)*
	12.5	Licensee Relationships with Manufacturers— Manufacturer Hospitality and Educational Activities *(Policy Rationale; Policies- 12.5.1)*
Take-out window	7.7	Liquor Service and Sales – Special Conditions *(Golf Course Kiosks, Take-Out Windows, and Beverage Carts; Policies - 7.7.2)*
	10.1	Minors – General Conditions *(Policy Rationale; Policies - 10.1.3)*
Taste trial – See Consumer taste trial		
Television	11.1	Entertainment – General Conditions *(Policy Rationale; Policies - 11.1.3)*
	11.3	Entertainment – Audio, Film, Video and Television
	11.4	Entertainment – Patron Participation and Non-Participation Entertainment *(Policy Rationale)*
Temporary change in hours of sale	5.1	Hours of Operation – Hours of Sale *(Policies - 5.1.5)*
Temporary permission to use a licence	4.3	Business Ownership and Changes to a Licence – Change in Ownership or Sale of a Licensed Establishment *(Policies - 4.3.9)*
Test kitchens in licensee retail stores	12.3	Licensee Relationships with Manufacturers – Consumer Taste Trials *(Policies - 12.3.2)*

Terms & Phrases	Section #	Section Name
Theme night promotions	7.3	Liquor Service and Sales – Pricing *(Policy Rationale; Policies - 7.3.5)*
	12.1	Licensee Relationships with Manufacturers – General Conditions *(Policies - 12.1.2; 12.1.3)*
	12.4	Licensee Relationships with Manufacturers – Theme Night Promotions (*Policy Rationale; Policies- 12.4.2; 12.4.3; 12.4.4; 12.4.5)*
	12.5	Licensee Relationships with Manufacturers – Manufacturer Hospitality and Educational Activities (*Policies – 12.5.1)*
Third party operator	3.2	Licensing Process – Stage 2: Applicant Eligibility
Third party use of a licence	2.1	General Information – Operating Environment *(Operating Principles)*
	4.5	Business Ownership and Changes to a Licence – Valid Interest in an Establishment *(Policy Rationale; Policies - 4.5.5)*
Ticket raffles	11.6	Entertainment – Gambling in a Licensed Establishment *(Policy Rationale; Policies - 11.6.6)*
Tied house	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policy Rationale; Policies - 3.2.5)*
	7.7	Liquor Service and Sales – Special Conditions *(Stadiums and Concert Halls – Tied House Exemption; Brew Pub – Tied House Exemption; Policies - 7.7.7; 7.7.8)*
	12.1	Licensee Relationships with Manufacturers –General Conditions *(Policy Rationale; Policies- 12.1.2)*
	12.5	Relationships with Manufacturers –Manufacturer Hospitality and Educational Activities *(Policy Rationale; Policies- 12.5.5)*
Tour Area – See Picnic and Tour areas		
Tournaments	11.5	Entertainment – Games in a Licensed Establishment *(Policy Rationale; Policies – 11.5.6)*
	12.1	Licensee Relationships with Manufacturers – General Conditions *(Policy Rationale; Policies- 12.1.3)*
	12.5	Licensee Relationships with Manufacturers – Manufacturer Hospitality and Educational Activities *(Policy Rationale; Policies- 12.5.5)*
	13.1	Advertising and Signage – General Conditions *(Policies - 13.1.1)*
Traffic near establishment	3.3	Licensing Process – Stage 3: Site and Community Assessment (Liquor Primary Only) *(Policies - 3.3.2)*
	6.2	Premises – Structural Alterations *(Policy Rationale)*
	6.3	Premises – Capacity *(Policy Rationale)*
Trains	10.1	Minors – General Conditions *(Policy Rationale; Policies - 10.1.3; 10.1.8)*

Terms & Phrases	Section #	Section Name
Travel	12.1	Licensee Relationships with Manufacturers –General Conditions (*Policy Rationale; Policies- 12.1.3)*
	12.5	Licensee Relationships with Manufacturers – Manufacturer Hospitality and Educational Activities (*Policy Rationale; Policies- 12.5.3; 12.5.4)*
U		
UBrew/UVin	2.2	General Information – Licence Categories *(Background; UBrew/UVin Licence)*
	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policy Rationale; Policies - 3.21; 3.2.5)*
	12.1	Relationships with Manufacturers –General Conditions (*Policies- 12.1.2)*
Unlicensed events	5.3	Hours of Operation – Alternate Use
	10.1	Minors – General Conditions *(Policies - 10.1.1)*
V		
Valid interest	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policy Rationale; Policies - 3.2.1; 3.2.4)*
	4.4	Business Ownership and Changes to a Licence – Relocation of a Licensed Establishment *(Policies - 4.4.3)*
	4.5	Business Ownership and Changes to a Licence – Valid Interest in a Licensed Establishment
Veterans' club		See Liquor Primary Club
Video games arcade	2.2	General Information – Licence Categories *(Liquor Primary Licence)*
	3.1	Licensing Process – Stage 1: Application for a New Licence *(Policy Rationale; Policies - 3.1.1)*
	11.1	Entertainment – General Conditions *(Policy Rationale; Policies - 11.1.2)*
	11.5	Entertainment – Gambling in a Licensed Establishment *(Policies - 11.5.3)*
Views of residents	3.3	Licensing Process – Stage 3: Site and Community Assessment *(Policies - 3.3.11; 3.3.12; 3.3.13; 3.3.16)*
	3.5	Licensing Process – Licence Amendments *(Policy Rationale; Policies -3.5.3; 3.5.10; 3.5.12)*
Vouchers – See Product vouchers		
W		
Washrooms	6.5	Premises – Adjoining Licensed and Unlicensed Areas *(Policy Rationale; Policies - 6.5.2)*
	8.1	Management and Controls of a Licensed Establishment – General Conditions *(Policy Rationale; Policies - 8.1.3)*
Weapons	8.3	Management and Controls of a Licensed Establishment – Management of Patron Conduct *(Policy Rationale; Policies - 8.3.1)*

Terms & Phrases	Section #	Section Name
Wine	2.2	General Information – Licence Categories *(Licensee Retail Licence; U-Brew/U-Vin Licence; Manufacturer Licence)*
	5.1	Hours of Operation – Hours of Sale *(Hours of Sale by Licence and Establishment Type)*
	7.1	Liquor Service and Sales – Type of Liquor Sold *(Policy Rationale; Policies - 7.1.2)*
	7.3	Liquor Service and Sales – Pricing *(Policy Rationale)*
	7.4	Liquor Service and Sales – Dispensers and Drink Sizes (Policy Rationale; Policies - 7.4.2)
	7.6	Liquor Service and Sales – Off-Premises Sales (Policies - 7.6.4)
	7.7	Liquor Service and Sales – Special Conditions *(Stadiums and Concert Halls – Tied House Exemption)*
	8.1	Management and Controls of a Licensed Establishment – General Conditions *(Policy Rationale; Policies - 8.1.2; 8.1.5; 8.1.7)*
	12.2	Licensee Relationships with Manufacturers – Promotional Items*(Policies – 12.2.5)*
	12.3	Licensee Relationships with Manufacturers –Consumer Taste Trials *(Policies - 12.3.2; 12.3.5; 12.3.6)*
	12.4	Licensee Relationships with Manufacturers –Theme Night Promotions (*Policies- 12.4.5)*
Wine, removal of unfinished bottle	5.1	Hours of Operation – Hours of Sale *(Hours of Sale by Licence and Establishment Type)*
	8.1	Management and Controls of a Licensed Establishment – General Conditions *(Policies - 8.1.5)*

Terms & Phrases	Section #	Section Name
Winery lounge and special event area endorsements	1.0	Introduction – Introduction *(Purpose and Format of This Manual)*
	2.2	General Information – Licence Categories *(Manufacturer Licence)*
	3.3	*Licensing Process – Stage 3: Site and Community Assessment (Policy Rationale; Policies 3.3.1; 3.3.3; 3.3.9)*
	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Plans Approval Guidelines for Winery Lounge or Special Event, Picnicking or Tour Area Endorsement)*
	3.5	Licensing Process – Licence Amendments *(Policy Rationale; Policies – 3.5.1; 3.5.3)*
	4.4	Business Ownership and Changes to a Licence – Relocation of a Licensed Establishment (Policies - 4.4.3)
	4.5	Business Ownership and Changes to a Licence – Valid Interest in a Licensed Establishment *(Policies - 4.5.5)*
	5.1	Hours of Operation – Hours of Sale *(Hours of Sale by Licence and Establishment Type; Policy Rationale; Policies – 5.1.3; 5.1.7)*
	6.3	Premises – Capacity *(Policy Rationale; Policies – 6.3.1; 6.3.3; 6.3.4)*
	6.4	
	6.5	Premises – Outdoor Patios *(Policies - 6.4.1; 6.4.3)*
	7.1	Premises – Adjoining Licensed and Unlicensed Areas *(Policy Rationale)*
	7.3	Liquor Service and Sales – Type of Liquor Sold *(Policy Rationale)*
	8.1	Liquor Service and Sales – Pricing *(Policies - 7.3.6)*
	9.1	Management and Controls of a Licensed Establishment – General Conditions *(Policy Rationale; Policies - 8.1.3; 8.1.7)*
	10.1	Food Service – General Conditions *(Policy Rationale; Policies – 9.1.2; 9.1.4; 9.1.5)*
	10.2	Minors – General Conditions *(Policy Rationale; Policies - 10.1.1; 10.1.6)*
	11.1	Minors – Minors as Entertainers *(Policies - 10.2.1; 10.2.2)*
	11.2	Entertainment – General Conditions *(Policies - 11.1.2; 11.1.4)*
	11.3	Entertainment – Live Stage Performances *(Policy Rationale)*
	11.4	Entertainment – Audio, Film, Video and Television *(Policy Rationale; Policies – 11.3.1; 11.3.2)*
	11.5	Entertainment – Patron Participation and Non-Participation Entertainment *(Policy Rationale; Policies - 11.4.2)*
	11.6	Entertainment – Games in Licensed Establishment *(Policy Rationale; Policies - 11.5.1; 11.5.5; 11.5.6)*
		Entertainment – Gambling in Licensed Establishment *(Policies - 11.6.4)*

Terms & Phrases	Section #	Section Name
Z		
Zoning	3.2	Licensing Process – Stage 2: Applicant Eligibility Assessment *(Policy Rationale; Policies - 3.2.2)*
	3.4	Licensing Process – Stage 4: Building Assessment and Issue of a Licence *(Policy Rationale; Policies - 3.4.1)*
	6.4	Premises – Outdoor Patios *(Policy Rationale)*
	11.1	Entertainment – General Conditions *(Policy* Rationale)